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Thursday
January 28, 1988

Briefing on How To Use the Federal Register—
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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
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- WHAT:** Free public briefings (approximately 2 1/2 hours) to present:
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 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

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- RESERVATIONS:** Roy Nanovic, 202-523-3187

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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 736

Federal Licensed Warehouses; Transfer of Regulations

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: This action makes technical amendments to Part 736 which corrects typographical errors to a Final Rule document published Monday, January 14, 1985, at 49 FR 1813 (FR document 85-1020). The regulations affecting warehouses under provisions of the United States Warehouse Act were transferred from 7 CFR Chapter I to 7 CFR Chapter VII and renumbered the regulations accordingly.

EFFECTIVE DATE: January 14, 1985.

FOR FURTHER INFORMATION CONTACT: R. Ford Lanterman, Warehouse Division, ASCS, U.S. Department of Agriculture, Washington, DC 20013, (202) 475-4032.

SUPPLEMENTARY INFORMATION:

Regulations in their entirety were not published at that time. Only references and renumbering of regulations took place in this final rule. The following sections should be corrected as shown below:

PART 736—GRAIN WAREHOUSES

1. The authority citation for 7 CFR Part 736 continues to read as follows:

Authority: Section 28, 39 stat. 490 (7 U.S.C. 268).

2. In paragraph (g) the word "has" appearing in the second line should be

corrected to "his". The revised paragraph (g) should read as follows:

§ 736.9 Warehouse license; suspension; revocation.

(g) Is operating in the same city or town in which his licensed warehouse facilities are located, any facility for storage of grain which is not covered by a license or an exemption as provided in § 736.3a; or

§ 736.103 Futures contract market defined.

3. In § 736.103 the reference "§§ 736.737 through 736.111" appearing in the first line of the text should be amended to read "§§ 736.103 through 736.111".

§ 736.111 Terminal markets.

4. In § 736.111 references to sections 736.737 through 736.111" are to be amended to read "§§ 736.103 through 736.111". The reference "§§ 736.737 through 736.107" should be amended to read "§§ 736.103 through 736.107".

Signed at Washington, DC, on January 19, 1988.

Milton Hertz,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 88-1485 Filed 1-27-88; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563b

[No. 88-31]

Restrictions on Repurchase of Stock of Recently Converted Insured Institutions

Date: January 20, 1988.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), is amending its regulations pertaining to the processing of requests for waiver of the regulatory restriction on repurchases of the capital

stock of recently converted institutions whose accounts are insured by the FSLIC ("insured institutions"). The Board is amending its regulations to preapprove certain requests for repurchases of any of the capital stock of a recently converted insured institution pursuant § 563b.3(g)(1) of the Regulations of the Federal Savings and Loan Insurance Corporation ("Insurance Regulations").

EFFECTIVE DATE: January 28, 1988.

FOR FURTHER INFORMATION CONTACT:

Steven J. Gray, Attorney (202) 377-7506; J. Larry Fleck, Deputy Director (202) 377-6413; V. Gerard Comizio, Director (202) 377-6411, Corporate and Securities Division; or Julie L. Williams, Deputy General Counsel for Securities and Corporate Structure (202) 377-6459; Office of General Counsel, Federal Home Bank Board, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: Section 563b.3(g)(1) of the Insurance Regulations (the "Rule") provides that:

(1) No converted insured institution shall for a period of three years from the date of the completion of the conversion repurchase any of its capital stock from any person, except that this restriction shall not apply to either, (i) a repurchase, on a pro rata basis pursuant to an offer approved by the Corporation and made to all shareholders of such institution, (ii) the repurchase of qualifying shares of a director, or (iii) a purchase in the open market by a tax-qualified or non-tax-qualified employee stock benefit plan in an amount reasonable and appropriate to fund the plan.

This provision, like several other provisions of the Board's Insurance Regulations, is intended to facilitate the deployment of the conversion stock sale proceeds and protect the integrity of the conversion process. In particular, the Rule prevents the use of a repurchase program to benefit insiders through selective repurchases of their stock at inflated prices or by shifting control of an institution to themselves through a program where the institution's assets are used to repurchase the stock of others.

Recently, the Board has received several requests for waiver or relaxation of the restrictions on stock repurchases

imposed by § 563b.3(g)(1). These requests have been made both by recently converted insured institutions and holding companies of recently converted institutions that have been made subject to the restrictions of § 563b.3(g)(1) through imposition of comparable conditions to approval of their respective holding company applications. Generally, the requests have been premised on the belief that the contemplated repurchases represent attractive investment alternatives and are in the best interests of the public entity and its shareholders.

The Board believes that stock repurchases programs can, if properly structured and limited, be implemented without (i) adversely affecting the financial condition of the insured institution or (ii) impinging on legal concerns arising in the conversion process. The Board further believes it would be appropriate, depending upon the facts and circumstances pertaining to each request, to approve requests to undertake open market stock repurchase programs. Accordingly, the Board has determined that it is appropriate and desirable to preapprove certain requests for repurchases under the Rule.

To implement the preapproval of requests for approval of repurchases, the Board is revising § 563b.3(g) to add new paragraph (g)(4). New paragraph (g)(4) preapproves open market repurchase programs provided that the following conditions are met: (i) No more than 5% of the insured institution's or holding company's outstanding capital stock is to be repurchased during any six month period, (ii) the insured institution's ratio of regulatory capital (as defined in 12 CFR 561.13) to total liabilities would not be reduced below 6%, and (iii) the repurchases would not adversely affect the financial condition of the insured institution.

This new provision provides that the insured institution or holding company shall provide to the Principal Supervisory Agent ("PSA") and the Corporate and Securities Division of the Office of General Counsel of the Board, no later than 10 days prior to the commencement of a repurchase program, written notice containing a full description of the repurchase program to be undertaken. Within such 10 day period, the PSA may object to the repurchase program. If no objection is

made during that timeframe, the institution (or holding company) may proceed with its repurchase program.

The Board has determined that the amendment will enhance the processing efficiency of requests for approval under the Rule and will not impose any new or additional compliance obligations on recently converted institutions or their holding companies. The Board therefore finds that observance of the public notice and comment period, pursuant to 5 U.S.C. 552(b) and 12 CFR 508.11, is unnecessary, as is the 30 day delay of the effective date pursuant to 12 CFR 508.14.

List of Subjects in 12 CFR Part 563b

Reporting and recordkeeping requirements, Savings and loan associations, Securities.

Accordingly, the Board hereby amends Part 563b, Subchapter D, Chapter V, Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563b—CONVERSIONS FROM MUTUAL TO STOCK FORM

Subpart A—Standard Conversions

1. The authority citation for Part 563b continues to read as follows:

Authority: Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended (12 U.S.C. 1425a) sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); secs. 2, 5, 48 Stat. 128, 132, as amended (12 U.S.C. 1462, 1464); secs. 401–403, 405–407, 48 Stat. 1255–1257, 1259–1260, as amended (12 U.S.C. 1724–1726, 1728–1730); sec. 408, 82 Stat. 5, as amended (12 U.S.C. 1730a); secs. 3(b), 12–14, 23, 48 Stat. 882, 892, 894–895, 901, as amended (15 U.S.C. 78c, 1–n, w); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–1948 Comp., p. 1071.

2. Amend § 563b.3 by adding new paragraph (g)(4) to read as follows:

§ 563b.3 General principles for conversions.

(g) *Restrictions on repurchase of stock and payment of dividends*—(1) * * *

(4) *Preapproval of certain repurchases of stock.* A converted insured institution subject to paragraph (g)(1) of this section may repurchase its capital stock provided:

(i) The repurchases are part of an open-market stock repurchase program that does not involve greater than 5% of the institution's outstanding capital stock during a six month period;

(ii) The repurchases do not reduce the institution's ratio of regulatory capital (as defined in 12 CFR 561.13) to total liabilities below 6%;

(iii) The institution provides to the Principal Supervisory Agent and to the Corporate and Securities Division of the Office of General Counsel, no later than 10 days prior to the commencement of a repurchase program, written notice containing a full description of the repurchase program to be undertaken and the effect of such repurchases on its regulatory capital position, and the Principal Supervisory Agent does not disapprove the repurchase program based upon a determination that: (A) The repurchase program would adversely affect the financial condition of the insured institution; or (B) the information submitted by the insured institution is insufficient upon which to base a conclusion as to whether the institution's financial condition would be adversely affected.

* * * * *

By the Federal Home Loan Bank Board.
John F. Ghizzoni,
Assistant Secretary.
[FR Doc. 88–1787 Filed 1–27–88; 8:45 am]
BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87–NM–123–AD; Amdt. 39–5835]

Airworthiness Directives; British Aerospace Aircraft Group Model H.S. 748 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace (BAe) Model H.S. 748 series airplanes, which requires inspection and modification of the lower wing skins in the area of the inboard engine rib, on airplanes which were modified in accordance with BAe Service Bulletins 57/31, 57/32, or 57/33. This amendment is prompted by reports of cracks in the skin at the forward attachment bolt hole for the cam plate support bracket on airplanes previously repaired. It is now necessary to remove the existing repair,

further inspect the existing cracks, inspect for possible new cracks, and to incorporate a new repair. This condition, if not corrected, could lead to reduced structural capability of the wing.

EFFECTIVE DATE: March 1, 1988.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Inc., Service Bulletin Librarian, P.O. Box 17414, Dulles International Airport, Washington DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Huhn, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive, which requires inspection and modification of the lower wing skins in the area of the inboard engine rib on certain British Aerospace (BAe) Model H.S. 748 series airplanes, was published in the *Federal Register* on November 18, 1987 (52 FR 44132).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 5 airplanes of U.S. registry will be affected by this AD, that it will take approximately 300 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Repair parts are estimated at \$5,000 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$85,000.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is

further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect, positive or negative, on a substantial number of small entities, because few, if any, BAe Model H.S. 748 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to all Model H.S. 748 series airplanes, which have been modified in accordance with British Aerospace (BAe) Service Bulletins 57/31, 57/32, or 57/33, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent further cracking which could lead to reduced structural capability of the wing, accomplish the following:

A. On airplanes previously modified in accordance with BAe Service Bulletin 57/31 or 57/33, inspect and modify the lower wing skins in accordance with BAe Service Bulletin 57/81, Revision 1, dated October 1985, prior to 7,500 hours time in service since modification in accordance with BAe Service Bulletins 57/31 or 57/33, or within the next 750 hours time in service after the effective date of this AD, whichever occurs later.

B. On airplanes previously modified in accordance with BAe Service Bulletin 57/32, inspect and modify the lower wing skins in accordance with BAe Service Bulletin 57/82, Revision 1, dated November 1985, prior to 10,000 hours time in service since modification in accordance with BAe Service Bulletin 57/32, or within the next 750 hours time in service after the effective date of this AD, whichever occurs later.

C. Any cracks found during the inspections required by paragraphs A. or B., above, must be repaired, prior to further flight, in accordance with BAe Service Bulletin 57/81, Revision 1, dated October 1985, or BAe Service Bulletin 57/82, Revision 1, dated November 1985, as applicable.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Inc., Service Bulletin Librarian, P.O. Box 17414, Dulles International Airport, Washington DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 1, 1988.

Issued in Seattle, Washington, on January 13, 1988.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 88-1683 Filed 1-27-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-AWA-17]

Alteration of VOR Federal Airways, Expanded East Coast Plan; Phase II

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of several Federal Airways located in the vicinity of New York. These airways are part of an overall plan designed to alleviate congestion and compression of traffic in the airspace bounded by Eastern, New England, Great Lakes and the Southern Regions. This amendment is the final segment of Phase II of the EECF, portions of Phase II were implemented on November 19, 1987, and January 14, 1988. Phase I was implemented February 12, 1987. The EECF is designed to make optimum use of the airspace along the east coast corridor. This action reduces en route and terminal delays in the Boston, MA; New York, NY; Miami, FL; Chicago, IL; and Atlanta, GA, areas,

saves fuel and reduces controller workload. The EECF is being implemented in coordinated segments until completed.

EFFECTIVE DATE: 0901 UTC, March 10, 1988.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

On July 15, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of several airways located in the vicinity of New York (52 FR 26488). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Congressman Dean A. Gallo requested that implementation of Phase II of the EECF be suspended pending a full and complete study of the noise impact over the State of New Jersey.

The State of New Jersey Department of Environmental Protection comments were mostly directed at the jet route changes, but were additionally concerned with what impact these jet route changes would have on the flight paths in the lower altitudes. They state that "consideration of the direct and indirect aircraft noise impacts on residential communities should have been factored into the EECF planning process." People Against Newark Noise commented that certain residents of New Jersey object to changes in air routes which will bring jet noise upon previously peaceful communities.

Environmental assessment of airspace actions by the FAA is conducted in accordance with FAA Order 1050.1D, Policies and Procedures for Handling Environmental Impacts. Appendix 3 of the order requires environmental assessment of a Part 71 airspace action only when it would result in rerouting traffic over a noise-sensitive area at altitudes less than 3,000 feet above the surface. No such low-altitude routings were involved in the airway modification adopted in this amendment, and we do not consider that an environmental assessment is

required under the National Environmental Policy Act or the Agency's Environmental Guidelines. In view of the comments of the New Jersey parties, however, the FAA is in the process of conducting a review of the environmental implications of the overall impact of Phase II of the EECF.

In consideration of the importance of the airway actions for the safe and efficient handling of air traffic on the east coast, and of the fact that the agency has complied with Federal environmental review requirements, the FAA does not believe that this action should be delayed pending the outcome of the review. With respect to the studies being conducted by the General Accounting Office and the New Jersey state government, the FAA will fully consider the results of these studies when completed, but we do not agree that important airway changes should be delayed pending the outcome of these studies.

People Against Newark Noise also questioned the basis for the FAA's determination that a regulatory evaluation is not required. The action does not meet the threshold requirements for a major rule under Executive Order 12291, and for that reason, a regulatory impact analysis under that order is not required. Department of Transportation Regulatory Policies and Procedures (44 FR 11031) require an economic evaluation of agency rulemaking actions except in emergencies or when the agency determines that the economic impact is so minimal that the action does not warrant a full evaluation. Such a determination was made in this case, in consideration of the minimal economic impacts of the airway changes proposed. Similarly, a regulatory flexibility analysis is not required since the action will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

AOPA objected that this proposal will impose complicated routings and/or additional mileages. The FAA agrees there will be additional mileages on certain airways due to the realignment of the standard instrument departures and standard terminal arrival routes. Nevertheless, this change in traffic flow has resulted in more than a 40% reduction in departure/arrival delays in the New York Metroplex area, thereby

saving time and fuel. This action should more than offset the slight additional distance. The FAA does not consider these actions to constitute a complication of routing. Should unforeseen problems arise as a result of this phase of the EECF, the FAA would initiate appropriate remedial action as required.

The Air Transport Association (ATA) endorsed the objective of the EECF to establish an improved air traffic system which reduces delays for aircraft departing and arriving terminals in the eastern United States. However, ATA requested an overview of the total plan. Also, ATA requested a longer response time to the NPRM's because of the large volume of very technical and complicated material. FAA appreciates the comments and will carefully review and consider their suggestion. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the descriptions of VOR Federal Airways V-292 and V-308 and revokes V-373 located in the vicinity of New York. These airways are part of an overall plan designed to alleviate congestion and compression of traffic in the airspace bounded by Eastern, New England, Great Lakes and the Southern Regions. This amendment is the final segment of Phase II of the EECF. Portions of Phase II were implemented on November 19, 1987, and January 14, 1988. Phase I was implemented February 12, 1987. The EECF is designed to make optimum use of the airspace along the east coast corridor. This action reduces en route and terminal delays in the Boston, MA; New York, NY; Miami, FL; Chicago, IL; and Atlanta, GA, areas, saves fuel and reduces controller workload. The EECF is being implemented in coordinated segments until completed.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as amended (52 FR 42272) is further amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-292 [Revised]

From Hancock, NY; INT Hancock 091° and Barnes, MA, 265° radials; Barnes; to Boston, MA.

V-308 [Revised]

From Nottingham, MD; Waterloo, DE; Sea Isle, NJ; INT Sea Isle 050° and Hampton, NY, 223° radials; Hampton; Groton, CT; to Norwich, CT. The airspace below 2,000 feet MSL that lies outside the United States and the airspace below 3,000 feet MSL between Kennedy, NY, 087° and 141° radials is excluded. The airspace within R-5202 is excluded during times of use.

V-373 [Removed]

Issued in Washington, DC, on January 14, 1988.

Daniel J. Peterson,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 88-1679 Filed 1-27-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-AWA-15]

Alteration of VOR Federal Airways; Expanded East Coast Plan, Phase II

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of several Federal Airways located in the vicinity of New York. These airways are part of an overall plan designed to alleviate congestion and compression of traffic in the airspace bounded by Eastern, New England, Great Lakes and the Southern Regions. This amendment is the final segment of Phase II of the EECF, portions of Phase II were implemented on November 19, 1987, and January 14, 1988. Phase I was implemented February 12, 1987. The EECF is designed to make optimum use of the airspace along the east coast corridor. This action reduces en route and terminal delays in the Boston, MA; New York, NY; Miami, FL; Chicago, IL; and Atlanta, GA, areas, saves fuel and reduces controller workload. The EECF is being implemented in coordinated segments until completed.

EFFECTIVE DATE: 0901 UTC, March 10, 1988.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

On July 15, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of several airways located in the vicinity of New York (52 FR 26493). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Congressman Dean A. Gallo requested that implementation of Phase II of the EECF be suspended pending a full and complete study of the noise impact over the State of New Jersey.

The State of New Jersey Department of Environmental Protection comments were mostly directed at the jet route

changes, but were additionally concerned with what impact these jet route changes would have on the flight paths in the lower altitudes. They state that "consideration of the direct and indirect aircraft noise impacts on residential communities should have been factored into the EECF planning process." People Against Newark Noise commented that certain residents of New Jersey object to changes in air routes which will bring jet noise upon previously peaceful communities.

Environmental assessment of airspace actions by the FAA is conducted in accordance with FAA Order 1050.1D, Policies and Procedures for Handling Environmental Impacts. Appendix 3 of the order requires environmental assessment of a Part 71 airspace action only when it would result in rerouting traffic over a noise-sensitive area at altitudes less than 3,000 feet above the surface. No such low-altitude routings were involved in the airway modification adopted in this amendment, and we do not consider that an environmental assessment is required under the National Environmental Policy Act or the Agency's Environmental Guidelines. In view of the comments of the New Jersey parties, however, the FAA is in the process of conducting a review of the environmental implications of the overall impact of Phase II of the EECF.

In consideration of the importance of the airway actions for the safe and efficient handling of air traffic on the east coast, and of the fact that the agency has complied with Federal environmental review requirements, the FAA does not believe that this action should be delayed pending the outcome of the review. With respect to the studies being conducted by the General Accounting Office and the New Jersey state government, the FAA will fully consider the results of these studies when completed, but we do not agree that important airway changes should be delayed pending the outcome of those studies.

People Against Newark Noise also questioned the basis for the FAA's determination that a regulatory evaluation is not required. The action does not meet the threshold requirements for a major rule under Executive Order 12291, and for that reason, a regulatory impact analysis under that order is not required.

Department of Transportation Regulatory Policies and Procedures (44 FR 11031) requires an economic evaluation of agency rulemaking actions except in emergencies or when the agency determines that the economic impact is so minimal that the action does not warrant a full evaluation. Such a determination was made in this case, in consideration of the minimal economic impacts of the airway changes proposed. Similarly, a regulatory flexibility analysis is not required since this action will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

AOPA objected that this proposal will impose complicated routings and/or additional mileages. The FAA agrees there will be additional mileages on certain airways due to the realignment of the standard instrument departures and standard terminal arrival routes. Nevertheless, this change in traffic flow has resulted in more than a 40% reduction in departure/arrival delays in the New York Metroplex area, thereby saving time and fuel. This action should more than offset the slight additional distance. The FAA does not consider these actions to constitute a complication of routing. Should unforeseen problems arise as a result of this phase of the EECF, the FAA would initiate appropriate remedial action as required.

The Air Transport Association (ATA) endorsed the objective of the EECF to establish an improved air traffic system which reduces delays for aircraft departing and arriving terminals in the eastern United States. However, ATA requested an overview of the total plan. Also, ATA requested a longer response time to the NPRM's because of the large volume of very technical and complicated material. FAA appreciates the comments and will carefully review and consider their suggestion. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the descriptions of VOR Federal Airways V-213, V-222, V-223, and V-229 located in the vicinity of New York. These airways are part of an overall plan designed to alleviate congestion and

compression of traffic in the airspace bounded by Eastern, New England, Great Lakes and the Southern Regions. This amendment is the final segment of Phase II of the EECF. Portions of Phase II were implemented on November 19, 1987, and January 14, 1988. Phase I was implemented February 12, 1987. The EECF is designed to make optimum use of the airspace along the east coast corridor. This action reduces en route and terminal delays in the Boston, MA; New York, NY; Miami, FL; Chicago, IL; and Atlanta, GA, areas, saves fuel and reduces controller workload. The EECF is being implemented in coordinated segments until completed.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-213 [Amended]

By removing the words "Woodstown, NJ; Robbinsville, NJ," and substituting the words "INT Kenton 035° and Robbinsville, NJ, 228° radials; Robbinsville;"

V-222 [Amended]

By removing the words "Lynchburg, VA; INT Lynchburg 058° and Brooke, VA, 230° radials; Brooke; to INT Brooke 045° and Richmond, VA, 009° radials," and substituting the words "to Lynchburg, VA."

V-223 [Revised]

From Flat Rock, VA; INT Flat Rock 355° and Gordonsville, VA, 034° radials; to INT Gordonsville 034° and Brooke, VA, 300° radials.

V-229 [Revised]

From Patuxent, MD, INT Patuxent 036° and Atlantic City, NJ, 236° radials; Atlantic City; INT Atlantic City 055° and Colts Neck, NJ, 181° radials; INT Colts Neck 181° and Kennedy, NY, 209° radials; Kennedy; INT Kennedy 053° and Bridgeport, CT, 200° radials; Bridgeport; Hartford, CT; INT Hartford 055° and Gardner, MA, 195° radials; Gardner; Keene, NH; INT Keene 336° and Burlington, VT, 160° radials; to Burlington. The airspace within R-5002A, R-5002B and R-5002E is excluded during times of use. The airspace within Federal Airways V-139 and V-308 and the airspace below 2,000 feet MSL outside the United States is excluded.

Issued in Washington, DC, on January 14, 1988.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88-1680 Filed 1-27-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-AWA-16]

Alteration of VOR Federal Airways; Expanded East Coast Plan, Phase II

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the descriptions of several Federal Airways located in the vicinity of New York. These airways are part of an overall plan designed to alleviate congestion and compression of traffic in the airspace bounded by Eastern, New England, Great Lakes and the Southern Regions. This amendment is the final segment of Phase II of the EECF, portions of Phase II were implemented on November 19, 1987, and January 14, 1988. Phase I was implemented February 12, 1987. The EECF is designed to make optimum use of the airspace along the east coast corridor. This action reduces

en route and terminal delays in the Boston, MA; New York, NY; Miami, FL; Chicago, IL; and Atlanta, GA, areas, saves fuel and reduces controller workload. The EECF is being implemented in coordinated segments until completed.

EFFECTIVE DATE: 0901 UTC, March 10, 1988.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

On July 15, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of several airways located in the vicinity of New York (52 FR 26494). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Congressman Dean A. Callo requested that implementation of Phase II of the EECF be suspended pending a full and complete study of the noise impact over the State of New Jersey.

The State of New Jersey Department of Environmental Protection comments were mostly directed at the jet route changes, but were additionally concerned with what impact these jet route changes would have on the flight paths in the lower altitudes. They state that "consideration of the direct and indirect aircraft noise impacts on residential communities should have been factored into the EECF planning process." People Against Newark Noise commented that certain residents of New Jersey object to changes in air routes which will bring jet noise upon previously peaceful communities.

Environmental assessment of airspace actions by the FAA is conducted in accordance with FAA Order 1050.1D, Policies and Procedures for Handling Environmental Impacts. Appendix 3 of the order requires environmental assessment of a Part 71 airspace action only when it would result in rerouting traffic over a noise-sensitive area at altitudes less than 3,000 feet above the surface. No such low-altitude routings were involved in the airway

modification adopted in this amendment, and we do not consider that an environmental assessment is required under the National Environmental Policy Act or the Agency's Environmental Guidelines. In view of the comments of the New Jersey parties, however, the FAA is in the process of conducting a review of the environmental implications of the overall impact of Phase II of the EECF.

In consideration of the importance of the airway actions for the safe and efficient handling of air traffic on the east coast, and of the fact that the agency has complied with Federal environmental review requirements, the FAA does not believe that this action should be delayed pending the outcome of the review. With respect to the studies being conducted by the General Accounting Office and the New Jersey state government, the FAA will fully consider the results of these studies when completed, but we do not agree that important airway changes should be delayed pending the outcome of those studies.

People Against Newark Noise also questioned the basis for the FAA's determination that a regulatory evaluation is not required. The action does not meet the threshold requirements for a major rule under Executive Order 12291, and for that reason, a regulatory impact analysis under that order is not required. Department of Transportation Regulatory Policies and Procedures (44 FR 11031) require an economic evaluation of agency rulemaking actions except in emergencies or when the agency determines that the economic impact is so minimal that the action does not warrant a full evaluation. Such a determination was made in this case, in consideration of the minimal economic impacts of the airway changes proposed. Similarly, a regulatory flexibility analysis is not required since this action will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

AOPA objected that this proposal will impose complicated routings and/or additional mileages. The FAA agrees there will be additional mileages on certain airways due to the realignment of the standard instrument departures and standard terminal arrival routes. Nevertheless, this change in traffic flow

has resulted in more than a 40% reduction in departure/arrival delays in the New York Metroplex area, thereby saving time and fuel. This action should more than offset the slight additional distance. The FAA does not consider these actions to constitute a complication of routing. Should unforeseen problems arise as a result of this phase of the EECF, the FAA would initiate appropriate remedial action as required.

The Air Transport Association (ATA) endorsed the objective of the EECF to establish an improved air traffic system which reduces delays for aircraft departing and arriving terminals in the eastern United States. However, ATA requested an overview of the total plan. Also, ATA requested a longer response time to the NPRM because of the large volume of very technical and complicated material. FAA appreciates the comments and will carefully review and consider their suggestion. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the descriptions of VOR Federal Airways V-249, V-268 and V-270 located in the vicinity of New York. These airways are part of an overall plan designed to alleviate congestion and compression of traffic in the airspace bounded by Eastern, New England, Great Lakes and the Southern Regions. This amendment is the final segment of Phase II of the EECF. Portions of Phase II were implemented on November 19, 1987, and January 14, 1988. Phase I was implemented February 12, 1987. The EECF is designed to make optimum use of the airspace along the east coast corridor. This action reduces en route and terminal delays in the Boston, MA; New York, NY; Miami, FL; Chicago, IL; and Atlanta, GA, areas, saves fuel and reduces controller workload. The EECF is being implemented in coordinated segments until completed.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is

not a "significant rule" under DOT Regulatory Policies and Procedures [44 FR 11034; February 26, 1979]; and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-249 [Amended]

By removing the words "INT Sparta 023° and Delancey, NY, 131° radials;" and substituting the words "INT Sparta 018° and Delancey, NY, 119° radials;"

V-268 [Amended]

By removing the words "Kenton 086° and Sea Isle, NJ, 050° radials;" and substituting the words "INT Kenton 086° and Sea Isle, NJ, 050° radials; INT Sea Isle 050° and Hampton, NY, 233° radials; Hampton; Sandy Point, RI; to INT Sandy Point 031° and Providence, RI, 057° radials."

V-270 [Amended]

By removing the words "Chester, MA," and substituting the words "Chester, MA; INT Chester 091° and Boston, MA, 262° radials; to Boston."

Issued in Washington, DC, on January 14, 1988.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 88-1681 Filed 1-27-88; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34-25285, File No. S7-15-87]

Revision of Form BD

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of form revision.

SUMMARY: The Commission is adopting a previously proposed revision of Form BD, the form which is filed by an applicant to become registered as a broker-dealer. The purpose of the revision is to provide, on Form BD, that the applicant consents that service of process for actions or proceedings brought by the Commission or any self-regulatory organization in connection with the applicant's broker-dealer activities may be given to the applicant's contact employee at the address listed on Form BD.

EFFECTIVE DATE: April 27, 1988.

FOR FURTHER INFORMATION CONTACT: Henry E. Flowers, Esq. at (202) 272-2848, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

In May 1987, the Commission proposed for comment a revision to Form BD,¹ the uniform registration application form for broker-dealers under the Securities Exchange Act of 1934 (the "Act"). The revision adds an additional paragraph on the execution page of Form BD providing for consent to service of process on behalf of the Commission and self-regulatory organizations ("SROs").

Before September 1985, the Commission's Special Instructions to Form BD included a provision explicitly providing for consent to service of process by registering broker-dealers that was required to be submitted to the Commission as part of their application. In September 1985, the Commission and the North American Securities Administrators Association, Inc. ("NASAA") adopted major revisions to Form BD.² However, the provision

providing for consent to service of process was deleted from the Commission's Special Instructions at that time, in an effort to abbreviate these instructions. The instructions on Form BD continued to require that the contact employee on the form must be authorized to receive "all compliance information, communications, and mailings" at the address designated on the form.

It is the Commission's view that a broker-dealer submits to the Commission's jurisdiction when it registers with the Commission. A registered broker-dealer has a continuing obligation to keep its Form BD application, including its mailing address, current;³ therefore, the broker-dealer is responsible if service of process at the specified address is not received by the firm. Notwithstanding the significance of this obligation, the Commission believes the Form BD should include a consent provision explicitly recognizing that service or notice of process provided to the contact employee is adequate for notice and jurisdictional purposes.

II. Revision to Form BD

The Commission's revision to Form BD provides that the applicant consents that service of any civil action brought by or notice of any proceeding before the Commission or any SRO in connection with the applicant's broker-dealer activities may be given by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address identified on Form BD, or mailing address if different.⁴ The revision also includes

¹ Rule 15b3-1 of the Act.

⁴ Rule 15b1-5 currently requires non-resident broker-dealers to furnish the Commission with consent to service of process designating the Commission as an agent for service of process, pleadings, or other papers in any civil action in connection with the non-resident's U.S. broker-dealer activities. The revision to Form BD has also been applied to non-resident broker-dealers, because excluding these non-resident broker-dealers would complicate the new consent language and crowd the Form BD execution page. Consequently, non-resident broker-dealers will provide the Commission with two consents, differing in that the Form BD consent, unlike the Rule 15b1-5 consent, provides that process may be served on the broker-dealer's contact employee rather than the Commission itself and does not extend to private litigants. The addition of the Form BD consent is not intended to change the Commission's jurisdiction over non-resident broker-dealers.

¹ Securities Exchange Act Release No. 24402 (May 7, 1987), 52 FR 17301.

² Securities Exchange Act Release No. 22468 (September 28, 1985), 50 FR 41867.

minor changes to the state consent to service of process language.

The Commission received one comment letter on the revision.⁶ The commentator, the Securities Investor Protection Corporation ("SIPC"), requested that Form BD include language explicitly providing that the applicant broker-dealer consents that service or notice of any application for a protective decree ("application") filed by SIPC may be given in the same manner as provided in the proposed consent provision. After careful review of this comment, the Commission is adopting the previously proposed revision, and is proposing for comment inclusion of this provision in Form BD in a companion release.⁶

The Commission has determined to adopt the revision as proposed, effective ninety-days after publication. The membership of NASAA approved inclusion of this provision on the form at NASAA's Annual Fall Meeting in September. New broker-dealers will execute this consent provision when completing the Form BD initially; existing broker-dealers will be required to execute this consent provision only when they amend Form BD for some other reason.

III. Competition Findings

Section 23(a)(2) of the Act⁷ requires the Commission, in adopting rules under the Act, to consider the anti-competitive effect of such rules, if any, and to balance any impact against the regulatory benefits gained in terms of furthering the purposes of the Act. The Commission has considered the revision in light of the standard cited in section 23(a)(2) and believes that adoption of this change will not impose any burden on competition not necessary or appropriate in furtherance of the Act.

IV. Regulatory Flexibility Act Certification

Pursuant to 5 U.S.C. 605(b), Chairman Shad certified when the revision to Form BD was proposed that this revision, if adopted, would not have a significant economic impact on a substantial number of small entities. No comments were received on the certification.

⁶ Letter from Theodore H. Focht, President & General Counsel, SIPC, to Jonathan G. Katz, Secretary, SEC (June 5, 1987).

⁷ Securities Exchange Act Release No. 25286 (January 22, 1988).

⁸ 15 U.S.C. 78w(a)(2).

V. Statutory Authority

The Securities and Exchange Commission hereby adopts the revisions to Form BD referenced in § 249.501a of the CFR pursuant to its authority under the Act and particularly sections 15(b), 17(a), and 23(a) of the Act thereof (15 U.S.C. 78o(b), g(a) and w(a)).

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Form BD prescribed by § 249.501 is amended by revising the Execution paragraph as follows:

* * * * *

Uniform Application for Broker-Dealer Registration

* * * * *

Execution: For the purpose of complying with the laws of the State(s) designated in Item 2 relating to either the offer or sale of securities or commodities, the undersigned and applicant hereby certify that the applicant is in compliance with applicable state surety bonding requirements and irrevocably appoint the administrator of each of those State(s) or such other person designated by law, and the successors in such office, attorney for the applicant in said State(s) upon whom may be served any notice, process, or pleading in any action or proceeding against the applicant arising out of or in connection with the offer or sale of securities or commodities, or out of the violation or alleged violation of the laws of those State(s), and the applicant hereby consents that any such action or proceeding against the applicant may be commenced in any court of competent jurisdiction and proper venue within said State(s) by service of process upon said appointee with the same effect as if applicant were a resident in said State(s) and had lawfully been served with process in said State(s).

The applicant consents that service of any civil action brought by or notice of any proceeding before the Securities and Exchange Commission or any self-regulatory organization in connection with the applicant's broker-dealer activities may be given by registered or certified mail or confirmed telegram to the applicant's contact employee at the main address, or mailing address if different, given in Item 1G.

* * * * *

By the Commission.

Dated: January 22, 1988.

Jonathan G. Katz,
Secretary.

[FR Doc. 88-1760 Filed 1-27-88; 8:45 am]

BILLING CODE 8010-01-M

RAILROAD RETIREMENT BOARD

20 CFR Parts 320 and 340

Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of and Appeals From Such Determinations

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby amends Parts 320 and 340 of its regulations to clarify the handling of claims and reviews and appeals from denials of such claims under the Railroad Unemployment Insurance Act and to provide certain procedures to be followed by the agency in handling erroneous payment decisions under that Act. In addition, the amendment to Part 340 explains when and under what circumstances waiver of recovery of erroneous payments may occur.

EFFECTIVE DATE: These amendments shall be effective March 1, 1988.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4935 (FTS 386-4935).

SUPPLEMENTARY INFORMATION: Pursuant to the Railroad Unemployment Insurance Act (Act) the Board pays unemployment and sickness benefits to railroad employees who are out of work due to unemployment or sickness. The processing of initial claims for unemployment benefits under the Act is decentralized and the amendments clarify the authority of the different offices of the Board to render decisions. The amendments also clarify the procedures to be followed by claimants in contesting adverse decisions. Finally, the regulations provide for certain procedures to be followed by the Board in handling erroneous payment decisions where waiver of recovery might be appropriate under section 2(d) of the Act.

The Board published the amendments to Parts 320 and 340 as a proposed rule on August 14, 1987 (52 FR 30383), and

allowed 60 days for public comment. No comments were received.

The Board has determined that this is not a major rule for purposes of Executive order 12291. Therefore, no Regulatory Impact Analysis is required. In addition, this rule does not impose any information collections within the meaning of the Paperwork Reduction Act.

List of Subjects in 20 CFR Parts 320 and 340

Railroad employees, Railroad unemployment insurance.

For the reasons set out in the preamble, 20 CFR Chapter II, is amended as follows:

PART 320—INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS

1. The authority citation for Part 320 continues to read as follows:

Authority: Sec. 12, 52 Stat. 1107, as amended; 45 U.S.C. 362, unless otherwise noted.

2. Section 320.5 is revised to read as follows:

§ 320.5 Initial determinations.

An initial determination shall be made with respect to each claim for unemployment or sickness benefits by the appropriate adjudicating office is provided by § 320.6 of this part. The adjudicating office shall make its determination on the basis of the claimant's application and claim and any other relevant information or evidence. A determination allowing payment of an initial claim shall not establish a presumption that benefits for subsequent claims in the same period of unemployment or sickness are also payable. The Director of Unemployment and Sickness Insurance shall issue instructions with respect to the adjudication of claims and initial determinations on such claims. It is found that only part of the benefits claimed may initially be paid, a partial payment shall be made prior to a final decision on the whole claim.

3. A new § 320.6 is added to read as follows:

§ 320.6 Adjudicating office.

(a) The term "adjudicating office" means any subordinate office of the Board which is authorized to make initial determinations and reconsideration decisions with respect

to claims for benefits. The following paragraphs state which offices of the Board are adjudicating offices and define their authority to make determinations or decisions.

(b) *District offices.* Board district offices are authorized to make initial determinations on the following issues of eligibility for unemployment benefits:

- (1) Availability for work;
- (2) Voluntary leaving of work, with or without good cause;
- (3) Failure to accept work or apply for work or failure to report to an employment office;
- (4) Timely registration for benefits;
- (5) Receipt of remuneration for claimed days of unemployment;
- (6) Mileage or work restrictions and stand-by or lay-over rules;
- (7) Whether the claimant's unemployment is due to a strike.

(c) *Regional offices.* Board regional offices are authorized to make determinations on any of the issues listed in paragraph (b) of this section. In addition, regional offices are authorized to make initial determinations on the following issues:

- (1) Erroneous payment of benefits, including fraud;
- (2) Applicability of the disqualification in section 4(a-2)(iii) of the Railroad Unemployment Insurance Act if the claimant's unemployment results from a strike against a non-railroad employer by which he is employed;
- (3) Determination of the amount of the Board's claim for reimbursement from pay for time lost payments under section 2(f) of the Railroad Unemployment Insurance Act or damages for personal injury under section 12(o) of the Railroad Unemployment Insurance Act.
- (d) *Division of Program Operations.* The Division of Program Operations, Bureau of Unemployment and Sickness Insurance, is authorized to make initial determinations on all issues of eligibility for unemployment and sickness benefits, and recovery of benefits, as set forth above, not reserved to the Director by paragraph (e) of this section.

(e) *Bureau of Unemployment and Sickness Insurance.* The Director of Unemployment and Sickness Insurance, or his designee, shall adjudicate:

- (1) All requests for waiver of recovery of an erroneous payment;
- (2) Applicability of the disqualification in section 4(a-2)(iii) of

the Railroad Unemployment Insurance Act if the claimant's unemployment results from a strike against a railroad employer by which he is employed; and

(3) Offers of compromise of debts arising out of the benefit provisions of the Railroad Unemployment Insurance Act. The decision to waive recovery or to accept a compromise shall be made only by the Director. The Director shall also decide whether a plan submitted by an employer or other person or company qualifies as a nongovernmental plan for unemployment, sickness or maternity insurance, within the meaning of section 1(j) of the Railroad Unemployment Insurance Act.

4. Section 320.8 is revised to read as follows:

§ 320.8 Notice of initial determination.

(a) *Benefits payable.* If benefits are payable for a claim, no special notice of the award will be issued. The amount of benefits due will be certified to the United States Treasury Department for payment.

(b) *Benefits not payable.* If an initial determination results in denial of a claim, either in whole or in part, the adjudicating office shall issue a notice of the denial within 15 days of the date that it makes its determination. The notice shall explain the basis for the denial of benefits and shall set forth what steps the claimant can take to contest the denial.

(c) *Communication of notice of denial.* When the adjudicating office mails the denial notice to the claimant's address of record, it shall be considered that notice of the denial has been communicated to the claimant on the date of mailing such notice. If the adjudicating office has been notified that a claimant has an attorney or other representative helping him or her with the claim, a copy of the denial notice shall be sent to the attorney or such other representative.

5. A new § 320.9 is added to read as follows:

§ 320.9 Notice of erroneous benefit payment.

(a) *Content of notice.* When an adjudicating office determines that benefits were paid erroneously, that office shall issue to the claimant a notice of the amount of the erroneous payment and the basis for the determination. The notice shall include a statement telling the claimant of his or her right to request

reconsideration of the determination, of the provisions for waiver and of his or her right to request waiver.

(b) *Communication of notice of erroneous payment.* When the adjudicating office mails the erroneous payment notice to the claimant's address of record, it shall be considered that notice of the erroneous payment has been communicated to the claimant on the date of mailing such notice. If the adjudicating office has been notified that a claimant has an attorney or other representative helping him or her with the claim, a copy of the erroneous payment notice shall be sent to the attorney or such other representative.

6. Section 320.10 is revised to read as follows:

§ 320.10 Reconsideration of initial determination.

(a) *Request.* A claimant shall have the right to request reconsideration of an initial determination under § 320.5 which denies in whole or in part his or her claim for benefits. Such request shall be made in writing and addressed to the adjudicating office that issued the initial determination and must be received by the adjudicating office no later than 60 days from the date of the notice of the initial decision.

(b) *Review of evidence.* Upon request, the claimant shall have an opportunity to review all evidence and documents that pertain to the initial determination.

(c) *Notice of decision.* The adjudicating office shall, as soon as possible, render a decision on the request for reconsideration. If a decision rendered by a district office, as the adjudicating office, sustains the initial determination, either in whole or in part, the decision shall be referred to the appropriate regional office for review prior to issuance. The claimant shall be notified, in writing, of the decision on reconsideration no later than 15 days from the date of the decision or where the regional office has conducted a review of the decision, within 7 days following the completion of the review. If the decision sustains the initial determination, either in whole or in part, the claimant shall be notified of his or her right to appeal as provided in §§ 320.12 and 320.15.

(d) *Right to further review of initial determination.* The right to further review of a determination made under § 320.5 or § 320.6 shall be forfeited unless a written request for

reconsideration is filed within the time period prescribed in this section or good cause is shown by the claimant for failing to file a timely request for reconsideration.

(e) *Timely request for reconsideration.* In determining whether the claimant has good cause for failure to file a timely request for reconsideration the adjudicating office shall consider the circumstances which kept the claimant from filing the request on time and whether any action by the Board misled the claimant. Examples of circumstances where good cause may exist include, but are not limited to:

(1) A serious illness which prevented the claimant from contacting the Board in person, in writing, or through a friend, relative or other person;

(2) A death or serious illness in the claimant's immediate family which prevented him or her from filing;

(3) The destruction of important and relevant records;

(4) A failure to be notified of a decision; or

(5) the existence of an unusual or unavoidable circumstance which demonstrates that the claimant would not have known of the need to file timely or which prevented the claimant from filing in a timely manner.

7. A new § 320.11 is added to read as follows:

§ 320.11 Request for waiver of recovery.

(a) *Time limitation.* If a claimant requests waiver of recovery of an erroneous payment, he or she shall be given an opportunity for a hearing on his or her request. The claimant shall have 30 days from the date of the notification of the erroneous payment determination in which to file a request for waiver and if he or she so desires, a request for a hearing. Such requests shall be made in writing and be filed by mail or in person at any Board office. If the claimant does not elect to have an oral hearing with respect to his or her request for waiver of recovery he or she may, along with the request, submit any evidence and argument which he or she would like to present in support of his or her case.

(b) *Recovery action.* Where a claimant has made a timely request for waiver of recovery, no action will be taken to recover the erroneous payment by setoff against current benefits prior to a decision on such request; *provided however*, that the Board may, prior to a decision, withhold the amount of the

erroneous payment from benefit payments under any of the following circumstances:

(1) The amount of the erroneous payment does not exceed ten times the current maximum daily benefit rate;

(2) The claimant admits he or she was at fault in causing the overpayment;

(3) The claimant is found to have committed fraud;

(4) The claimant authorizes recovery by setoff or agrees to repayment; or

(5) The claimant requests that a scheduled hearing be rescheduled to a date more than five business days after the original hearing date.

(c) *Appointment of hearing officer.* If the claimant makes a timely request for waiver and for a hearing, the Director of Unemployment and Sickness Insurance shall promptly arrange for the selection of a board employee to schedule and conduct the hearing. The Board employee so selected shall not have participated in making the erroneous payment determination and shall conduct the hearing in a fair and impartial manner.

(d) *Scheduling the hearing.* The Board employee selected to conduct the hearing shall schedule such hearing at the earliest practicable time at a Board office or base point. The Board employee may reschedule the hearing upon his or her own motion or upon the request of the claimant, but if the hearing is rescheduled at the request of the claimant to a date more than five business days after the original hearing date the Board may, prior to the hearing, withhold the amount of the erroneous payment from benefit payments.

(e) *Review of evidence.* Upon request, the claimant shall have an opportunity to review all evidence and documents that pertain to the erroneous payment determination.

(f) *Oral hearing.* The claimant shall also be afforded these rights:

(1) To present his or her case orally and to submit evidence, either through witnesses or documents;

(2) To cross-examine any adverse witnesses who testify;

(3) To be represented by counsel or other person.

(g) *Action after hearing.* When the hearing is completed, the Board employee who conducted it shall prepare a recommended decision and shall submit it, along with any evidence or documents produced as a result of the

hearing, to the Director of Unemployment and Sickness Insurance.

(h) *Decision.* The Director of Unemployment and Sickness Insurance shall make a decision on the claimant's request for waiver of recovery and shall notify the claimant accordingly. If the Director decides that waiver of recovery is not appropriate, the adjudicating office shall wait 15 days from the date of the notification of the waiver decision before taking any action to recover the erroneous payment. If the Director decides that recovery should be waived, any amount of the erroneous payment so waived but previously recovered by setoff shall be refunded to the claimant.

(i) *Appeal.* If the Director of Unemployment and Sickness Insurance decides that waiver of recovery is not appropriate, the claimant shall have the right to appeal such decision as provided under § 320.12.

(j) *Requests made after 30 days.* Nothing in this section shall be taken to mean that waiver of recovery will not be considered in those cases where the request for waiver is not filed within 30 days. But action to recover the erroneous payment will not be deferred if such a request is not timely filed, and no preresumption hearing shall be granted. Further, it shall not be considered that a claimant prejudices his or her request for waiver by tendering all or a portion of the erroneous payment or by selecting a particular method for repaying the debt. However, no waiver consideration will be given to any debt which is settled by compromise.

(k) *Sunset provision.* Those portions of this section which provide opportunity for a hearing on a claimant's request for waiver of recovery shall cease to be effective as of the close of business [insert date 2 years from publication date], except that this section will continue in full effect through the final administrative adjudication of any case involving such hearing requested prior to that date.

8. Section 320.12 is revised to read as follows:

§ 320.12 Appeal to the Bureau of Hearings and Appeals.

A claimant whose claim has been denied in whole or in part upon reconsideration under § 320.10 or a claimant whose request for waiver of recovery under § 320.11 has been denied in whole or in part may appeal such

decision to the Bureau of Hearings and Appeals. Such an appeal shall be made by filing the form prescribed by the Board. The appeal must be filed with the Bureau of Hearings and Appeals within 60 days from the date upon which the notice of the decision on reconsideration or waiver of recovery was mailed to the claimant. If no appeal is filed within the time limits specified in this section, the decision of the adjudicating office § 320.10 or 320.11 shall be considered final and no further review of such decision shall be available unless the referee finds that there was good cause for the failure to file a timely appeal as described in § 320.10 of this chapter.

§ 320.15 [Removed]

9. Section 320.15 is removed.

10. Section 320.18 is amended by revising the last sentence thereof to read as follows:

§ 320.18 [Amended]

* * * In all other cases, the referee shall consider and decide the appeal; in each such case where the referee determines that an issue of fact exists, the claimant shall have the right to a hearing.

11. Section 320.22 is revised to read as follows:

§ 320.22 Notice of hearing.

(a) *Notification of parties.* In any case in which an oral hearing is to be held, the referee shall schedule a time and place for the conduct of the hearing. The referee shall promptly notify the party or parties to the proceeding by mail as to said time and place for the hearing. The notice shall include a statement of the specific issues involved in the case. The referee shall make every effort to hold the hearing within 150 days after the date the appeal is filed.

(b) *Notice of objection.* A party to the proceeding may object to the time and place of the hearing, or as to the stated issues to be resolved, by filing a written notice of objection with the referee. The notice of objection shall clearly set forth the matter objected to and the reasons for such objection, and, if the matter objected to is the time and place of the hearing, said notice shall further state that party's choice as to the time and place for the hearing. Said notice of objection shall be filed at the earliest practicable time, but in no event shall said notice be filed later than five business days prior to the scheduled date of the hearing.

(c) *Ruling on objection.* The referee shall rule on any objection timely filed by a party under this section and shall notify the party of his or her ruling thereon. The referee may for good cause shown, or upon his or her own motion, reschedule the time and/or place of the hearing. The referee also may limit or expand the issues to be resolved at the hearing.

(d) *Failure to appear or to file objection.* If neither a party nor his or her representative appears at the time and place scheduled for the hearing, that party shall be deemed to have waived his or her right to an oral hearing unless said party either filed with the referee a notice of objection showing good cause why the hearing should have been rescheduled, which notice was timely filed but not ruled upon, or, within 10 days following the date on which the hearing was scheduled, said party files with the referee a motion to reschedule the hearing showing good cause why neither the party nor his or her representative appeared at the hearing and further showing good cause as to why said party failed to file at the prescribed time any notice of objection to the time and place of the hearing.

(e) *Rescheduling the hearing.* If the referee finds either that a notice of objection was timely filed showing good cause to reschedule the hearing, or that the party has within 10 days following the date of the hearing filed a motion showing good cause for failure to appear and to file a notice of objection, the referee shall reschedule the hearing. If the referee finds that the hearing shall not be rescheduled, he or she shall so notify the party in writing.

12. Section 320.25 is amended by adding a new paragraph (c) to read as follows:

§ 320.25 [Amended]

* * * * *

(c) *Where no oral hearing required.* Where the referee finds that no factual issues are presented by an appeal, and the only issues raised by the appellant are issues concerning the application or interpretation of law, the appellant or his or her representative shall be afforded full opportunity to submit written argument in support of the claim but no oral hearing shall be held.

§ 320.50 [Removed]

13. Section 320.50 is removed.

PART 340—RECOVERY OF BENEFITS

14. The authority citation for Part 340 continues to read as follows:

Authority: 45 U.S.C. 362.1.

15. Section 340.6 is revised to read as follows:

§ 340.6 Recovery by setoff.

An amount recoverable may be recovered by setoff against any subsequent payments to which the individual from whom the amount is recoverable is entitled under the Railroad Unemployment Insurance Act, the Railroad Retirement Act, or any other Act administered by the Board, or, in the case of that individual's death, from any payments due under those Acts to his or her estate, designee, next of kin, legal representative, or surviving spouse. In any case in which full recovery is not effected by setoff, the balance due may be recovered by one or more of the other methods described in this part. If the individual dies before recovery is completed, such recovery shall be made from his estate or heirs.

16. Section 340.10 is revised to read as follows:

§ 340.10 Waiver of recovery of erroneous payments.

(a) *When waiver of recovery may be applied.* Section 2(d) of the Act provides that there shall be no recovery in any case where more than the correct amount of benefits has been paid to an individual or where payment has been made to an individual not entitled to benefits if, in the judgment of the Board:

- (1) The individual is without fault; and
- (2) Recovery would be contrary to the purpose of the Act or would be against equity or good conscience.

(b) *Fault.* (1) Fault means a defect of judgment or conduct arising from inattention or bad faith. Judgment or conduct is defective when it deviates from a prudent standard of care taken to comply with the entitlement provisions of the Act. Conduct includes both action and inaction. Unlike fraud, fault does not require a deliberate intent to deceive.

(2) Whether an individual is at fault in causing erroneous payments generally depends on all circumstances surrounding the erroneous payments. Among the factors the Board will consider are: the ability of the overpaid individual to understand the reporting requirements of the Act or to realize that

he or she is being overpaid (e.g., age, comprehension, memory, physical and mental condition); the particular cause of benefit non-entitlement; and the number of claims on which the individual made erroneous statements.

(3) Circumstances in which the Board will find an individual at fault include but are not limited to:

(i) Failure to furnish information which the individual knew or should have known was material;

(ii) An incorrect statement made by the individual which he or she knew or should have known was incorrect (including furnishing an opinion or conclusion when asked for facts);

(iii) Failure to return a payment which the individual knew or should have known was incorrect.

(c) *When recovery defeats the purpose of the Railroad Unemployment Insurance Act.* (1) The purpose of the Railroad Unemployment Insurance Act is to furnish some replacement for an individual's railroad earnings lost because of days of sickness or unemployment. The purpose of the Act is defeated when an erroneous payment is recovered from income and resources which the individual requires to meet ordinary and necessary living expenses. If either income or resources are sufficient to meet expenses, the purpose of the Act is not defeated by recovery of an erroneous payment.

(2) For purposes of this section, income includes any funds which may reasonably be considered available for the individual's use, regardless of source. Income to the individual's spouse or dependents is available if the spouse or dependent lived with the individual at the time waiver is considered. Types of income include, but are not limited to:

(i) Government benefits such as Black Lung, Social Security, Workers' Compensation, and Unemployment Compensation benefits;

(ii) Wages and self-employment income;

(iii) Regular payments such as rent or pensions; and

(iv) Investment income.

(3) For purposes of this section, resources include, but are not limited to, liquid assets such as cash on hand, the value of stocks, bonds, savings accounts, mutual funds and the like. The Board may also consider certain non-liquid assets as resources.

(4) Whether an individual has sufficient income and resources to meet ordinary and necessary living expenses depends not only on the amount of his or her income and resources, but also on whether the expenses are "ordinary and necessary." While the level of expenses which is "ordinary and necessary" may vary between individuals, it must be held at a level reasonable for an individual who is temporarily unemployed or incapacitated due to sickness. The Board will consider the discretionary nature of an expense in determining whether it is reasonable. Ordinary and necessary living expenses include:

(i) Fixed living expenses, such as food and clothing, rent, mortgage payments, utilities, maintenance, insurance (e.g., life, accident, and health insurance), taxes, installment payments, etc.;

(ii) Medical hospitalization, and other similar expenses;

(iii) Expenses for the support of others for whom the individual is legally responsible; and

(iv) Miscellaneous expenses (e.g., newspapers, haircuts).

(5) Where recovery of the full amount of an erroneous payment would be made from income and resources required to meet ordinary and necessary living expenses, but recovery of a lesser amount would leave income or resources sufficient to meet expenses, recovery of the lesser amount does not defeat the purpose of the Act.

(d) *When recovery is against equity and good conscience.* Recovery is considered to be against equity and good conscience when a person, in reliance on such payments or on notice that such payment would be made, relinquished a valuable right or changed his or her position for the worse.

(e) *Recoveries not subject to waiver.* Where an amount is recoverable pursuant to section 2(f) of the Act from remuneration payable to an employee by a person or company, or where a lien for reimbursement of sickness benefits has arisen pursuant to section 12(o) of the Act, and in either case recovery is sought from a person other than the employee, no right to waiver of recovery exists.

Dated: January 21, 1988.

By Authority of the Board.

For the Board
 Beatrice Ezerski,
Secretary to the Board.
 [FR Doc. 88-1703 Filed 1-27-88; 8:45 am]
 BILLING CODE 7905-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 211

Appeal of Decisions Concerning the National Forest System

AGENCY: Forest Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule provides procedures by which individuals or groups may appeal Forest Service officials decisions to reoffer returned or defaulted timber sales on National Forests. The rule results from a recent 9th Circuit Court of Appeals decision. In order to respond quickly to that Court ruling and preserve the opportunity for a meaningful appeal for potential appellants, it is necessary to make this rule effective upon publication. However, the Agency invites public comment on the interim rule, which it will consider in promulgating a final rule.

DATE: This rule is effective January 28, 1988.

Comments must be received in writing by March 28, 1988.

ADDRESSES: Send written comments to F. Dale Robertson, Chief (1570), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

The public may inspect comments received on this proposed rule in the Office of the Staff Assistant for Operations, National Forest System, Room 4211, South Building, 12th and Independence Avenue SW., Washington, DC, between the hours of 8:30 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Larry Hill, Staff Assistant for Operations, National Forest System, (202) 382-9346, or Dave Spores, Assistant Director, Timber Management Staff, (202) 447-4051.

SUPPLEMENTARY INFORMATION:

Legislative and Administrative Background

In response to unusually high prices bid on National Forest timber sales during the late 1970s and early 1980s, the

Congress enacted the Federal Timber Contract Payment Modification Act of 1984 (FTCPMA) (16 U.S.C. 618; Pub. L. 98-478). The Act allowed purchasers of timber sale contracts on National Forests the opportunity to buy out of a certain volume of timber under qualifying timber sale contracts. The Act also directed that timber from returned or defaulted timber sales be given preference for resale in the Forest Service timber sale program.

Following passage of the FTCPMA, the Forest Service took the position that a decision to reoffer timber from returned or defaulted timber sales was a reaffirmation of the original decision to offer the timber for sale, and, therefore, the review and subsequent reoffering would not constitute an appealable decision under the Agency's administrative appeal regulations at 36 CFR 211.18.

These rules provide a process by which anyone who objects to a decision of a Forest officer may appeal that decision and have it reviewed by an officer at the next higher administrative level. Under current procedures, two levels of appeal are available with many procedural requirements. If an appellant utilizes both levels of appeal, and if the maximum time allowed at each step is utilized, the time to resolve an appeal is about 305 days.

In October 1986, in response to questions about the extent of administrative appeal that Congress had intended on the reoffered sales, Congress provided specific direction in section 320 of the Appropriations Act for the Department of the Interior and Related Agencies for Fiscal Year 1987 (Pub. L. 99-591). That section provided that the reoffered sales would be subject to only one level of administrative appeal and that any such appeal must be resolved within 90 days of receipt.

Judicial Review

In 1980, the Forest Service completed an Environmental Assessment for the North Roaring Devil timber sale on the Willamette National Forest in Oregon, made a Finding of No Significant Impact, and issued a Decision Notice. The sale was subsequently sold, but later returned by the buyer in accordance with the FTCPMA. The Forest Service reviewed its earlier decision to offer the North Roaring Devil sale and reoffered it on December 5, 1985. That decision was appealed,

pursuant to 36 CFR 211.18, by the Oregon Natural Resources Council and the Breitenbush Community.

The Forest Service dismissed the appeal as untimely on the basis that it was not filed within 45 days of the original decision to sell the North Roaring Devil sale (1980). The Agency concluded that the decision to reoffer the sale was merely a reaffirmation of that original decision, which had already been subject to appeal. Following that dismissal, the appellants filed suit in the U.S. District Court for the District of Oregon alleging that the dismissal of the appeal was improper and subsequently appealed the lower court's decision to the Ninth Circuit Court of Appeals. On December 21, 1987, the Ninth Circuit ruled that a reoffer by the Forest Service is a decision within the meaning of the Agency's administrative appeal regulations at 36 CFR 211.18, and that section 320 of the Fiscal Year 1987 Appropriations Act (Pub. L. 99-591) could not apply retroactively to appeals of sales reoffered prior to the passage of the appropriations language.

Interim Rule

The Department of Agriculture is promulgating a new rule at 36 CFR 211.17 that meets both the objectives of section 320 and the ruling of the 9th Circuit Court of Appeals concerning appeals of decisions to reoffer returned or defaulted sales. Decisions to reoffer returned or defaulted timber sales made prior to October 30, 1986, will be entitled to a 2-level appeal process, and decisions to reoffer returned or defaulted timber sales made after October 30, 1986, will be entitled to a 1-level appeal process, to be completed within 90 days. This interim rule provides persons or organizations who previously submitted a timely Notice of Appeal, pursuant to 36 CFR 211.18, on a decision to reoffer a sale of returned or defaulted timber and whose appeal was subsequently dismissed as untimely because the Forest Service did not consider reoffer of the sale an appealable decision, an opportunity to resubmit their appeal. These parties will have 30 days from publication of this rule to submit their notice of appeal. If the decision to reoffer was made prior to October 30, 1986, the appellant(s) will be entitled to a 2-level process. However, because the reoffered sales that can be

reappealed under this interim rule have already been advertised and awarded, and because we need to provide equitable treatment for both purchasers of reoffered timber sales and appellants, the time for processing these appeals at the first level will be limited to 90 days after the appeal is filed; the time for processing appeals at the second level will be limited to 45 days after the appeal.

Consistent with section 320 of the Fiscal Year 1987 Interior and Related Agencies Appropriations Act, only one level of administrative appeal will be available for decisions to reoffer timber sales made after October 30, 1986, and review of those appeals will be completed in 90 days.

In promulgating this rule, the Department has considered as an alternative, issuing a new rule to give a one level, 90-day review for decisions to reoffer sales made after October 30, 1986, and applying existing appeal procedures at 36 CFR 211.18 for decisions made prior to this date. While this alternative is also consistent with the statutes and the ruling of the court in dealing with appeals of reoffered timber sales after October 30, 1986, it subjects similar decisions to two different processes under two different rules thus making for unnecessary administrative complexity. Moreover, the timeframes and complex procedures provided in the current appeal rules would create undue delays and might result in inequitable treatment of appellants and timber sale purchasers. In order to meet the shorter deadlines for processing appeals of decisions to reoffer timber sales returned or defaulted, it is necessary to streamline the appeal procedures. Accordingly, intervention is not allowed nor are procedural appeals, such as appealing decisions to deny a stay. Moreover, a responsive statement from the initial Forest Officer who made the decision to reoffer the sale is optional and there will be no extensions of time under the interim rule for appellants or the Forest Service.

In addition, paragraph (b) *Matters excluded from appeal under this section* of § 211.18 is being amended to exclude appeals of decisions to reoffer timber from review under those rules. This is a corollary technical amendment necessary to avoid conflict and inconsistency between this interim rule

and the existing administrative appeal process.

Public Comment

In response to the Court's clarification of the Agency's appeal responsibilities, the Forest Service must act quickly and in a positive manner to preserve for potential appellants the maximum opportunity for a meaningful appeal on reoffered sales. This rule establishes agency policy and procedures on appeal of decisions to resell returned or defaulted federal timber sale contracts. Good cause exists for issuance of this policy and procedures effective upon publication. Notice and public comment prior to implementation would be impracticable and contrary to the public interest. Because many of the reoffered sales that are now subject to appeal under the Court's ruling have been awarded and operations have begun, the time available for meaningful appeal is limited. Accordingly, the Department of Agriculture is making the interim rule effective upon publication. However, public comment received on this rule will be analyzed and considered in the promulgation of a final rule.

Regulatory Impact

This interim rule has been reviewed under USDA procedures implementing Executive Order 12291 on Federal Regulations. It has been determined that this is not a major rule. The rule itself will not have an effect of \$100 million or more on the economy, substantially increase prices or costs for consumers, industry, or State or local governments, nor adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete in foreign markets.

Because of the need to implement these procedures immediately to facilitate the orderly review and offering of reoffered sales and lessen the impact on the Agency's timber sale program, time has not permitted advance review by the Office of Management and Budget. However, as required by E.O. 12291, notice of this rule is being given to the Director of the Office of Management and Budget upon publication in the **Federal Register**.

This rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*), and it has been determined that this action will not have a significant adverse economic impact

on a substantial number of small entities.

Environmental Impact

Based on both experience and environmental analysis, this interim rule will have no significant effect on the human environment, individually or cumulatively. Therefore, it is categorically excluded from documentation in an environmental assessment or an environmental impact statement (40 CFR 1508.4).

List of Subjects in 36 CFR Part 211

Administrative practice and procedure, Intergovernmental relations (Federal/State cooperation), National forest.

Therefore, for the reasons set forth in the preamble, Subpart B of Part 211 of chapter II of Title 36 of the Code of Federal Regulations is hereby amended as follows:

PART 211—[AMENDED]

1. The authority citation for Part 211 continues to read as follows:

Authority: 30 Stat. 35, as amended, sec. 1, 33 Stat. 628 (16 U.S.C. 551, 472).

Subpart B—[Amended]

2. Add a new § 211.17 to read as follows:

§ 211.17 Appeal of decisions to reoffer returned or defaulted timber sales on National Forests.

(a) *Purpose*. These rules provide an expedited and streamlined administrative appeal process for decisions to reoffer sales of timber that were returned to the Government under the provisions of the Federal Timber Contract Modification Payment Act of 1984 or that were defaulted by the purchaser.

(b) *Matters subject to appeal*. The procedures established in this section apply only to decisions to reoffer timber sales resulting from returned or defaulted timber sale contracts. Notice of decisions appealable under this section and made after the effective date of this regulation shall be published in a local newspaper of general circulation. Subsequent actions to advertise and/or award a reoffered sale are not appealable under this section or 36 CFR 211.18. Except as provided for in paragraph (c)(1) of this section, a decision to reoffer a timber sale that was made prior to the effective date of

these rules and that was not timely appealed under § 211.18 of this subpart is not appealable under this section.

(c) *Who may appeal.* The process set forth in this section is available only to:

(1) Any individual or organization who previously submitted a timely Notice of Appeal, pursuant to 36 CFR 211.18, on a decision to reoffer a sale of returned or defaulted timber and whose appeal was subsequently dismissed as being untimely because the Forest Service did not consider reoffer of the sale an appealable decision. These parties may resubmit their appeals.

(2) Except as provided in paragraph (d) of this section, any individual or organization may appeal a decision made after January 28, 1988 to reoffer timber resulting from returned or defaulted timber sales.

(d) *Who may not appeal.* The process set forth in this section is not available to:

(1) Any individual or organization who did not, pursuant to 36 CFR 211.18, previously submit a timely Notice of Appeal on a decision to reoffer a sale of returned or defaulted timber.

(2) The defaulting purchaser of a reoffered timber sale.

(e) *Levels of appeal.* For decisions to reoffer timber sales made after October 30, 1986, one level of administrative appeal is available. For decisions to reoffer timber sales made prior to October 30, 1986, two levels of administrative appeal are available; the second level being to the next higher administrative level.

(1) Appeals of decisions to reoffer timber sales made by a District Ranger shall be filed with the Forest Supervisor.

(2) Appeals of decisions to reoffer timber sales made by a Forest Supervisor shall be filed with the Regional Forester.

(f) *Filing procedures.* To appeal a decision under this section, an appellant must file a written notice of appeal with the Reviewing Officer. If an appellant wishes to request a stay of implementation of the decision, the request must accompany the notice of appeal and be made in accordance with paragraph (h) of this section. The appellant must simultaneously provide a copy of the notice of appeal and any stay request to the Forest officer making the initial decision to reoffer.

(1) For appeals filed pursuant to paragraph (c)(1) of this section, the

notice of appeal must be submitted by February 29, 1988.

(2) All notices of appeal pursuant to paragraph (c)(2) must be filed within 30 days of publication of the notice of decision.

(g) *Extensions of time.* There shall be no extension of the time periods specified in this section for either an appellant or the Forest Service.

(h) *Content of notice of appeal.* Parties appealing a decision to reoffer a sale must include the following information in the written notice of appeal:

- (1) The timber sale being appealed;
- (2) Either the decision date or the date notice of the decision was published;
- (3) The Forest Officer whom made the decision;
- (4) How the appellant is affected by the decision;
- (5) The relief desired; and
- (6) A description of environmentally significant modifications which are alleged to have occurred after the initial timber sale was offered and the decision made to sell the timber, or changed circumstances.

(i) *Stays.* (1) To request a stay, the appellant must:

(i) File a written request with the Reviewing Officer at the time the appeal is filed, simultaneously providing a copy to the Forest officer who made the initial decision to reoffer the timber sale in question.

(ii) Provide a written justification of the need for a stay, which includes a description of the specific activities to be stayed, and specific reasons why the stay should be granted, including:

(A) Harmful site-specific impacts or effects on resources in the area affected by the reoffered timber sale; and

(B) How the cited effects and impacts would prevent a meaningful decision on the merits.

(2) The Reviewing Officer shall rule on a stay request no later than 10 calendar days from receipt.

(i) If a stay is granted, the stay shall specify the activities to be stopped, duration of the stay, and reasons for granting the stay.

(ii) If a stay is denied in whole or in part, the decision shall specify the reasons for the denial.

(iii) A copy of the decision shall be sent to the appellant and the Forest Officer who made the initial decision to reoffer.

(iv) A Reviewing Officer's decision on a stay is not subject to further appeal or review.

(j) *Review procedures.* (1) The Reviewing Officer shall determine if the notice of appeal has been timely filed. In the event of question, legible postmarks will be considered evidence of timely filing. Where postmarks are illegible, the Reviewing Officer shall rule on the timely receipt of the notice of appeal. If the appeal is untimely, the Reviewing Officer will immediately dismiss the appeal and notify the Forest officer making the initial decision and the appellant.

(2) Upon receipt of a copy of the notice of appeal, the Forest Officer making the decision to reoffer shall assemble the relevant decision documents and pertinent records and transmit them to the Reviewing Officer within 15 calendar days.

(3) In transmitting the decision documentation to the Reviewing Officer, the Forest Officer shall indicate how and specifically where the appellant's issues are addressed. Where time permits, the Forest Officer may also respond briefly to issues raised in the notice of appeal. A copy of the transmittal letter shall be provided to the appellant(s).

(4) The record on which the Reviewing Officer shall conduct a review consists of the notice of appeal, any other written comments received, the official documentation prepared by the Forest Officer making the initial decision to reoffer, and any related correspondence, including additional information requested by the Reviewing Officer.

(5) The review record is open to public inspection.

(k) *Requests for additional information.* If the appeal record is considered inadequate to affirm or reverse a decision, the Reviewing Officer may request additional information.

(l) *Decision.* (1) The Reviewing Officer shall issue a final decision on the appeal, in writing, within 90 days of the Reviewing Officer's receipt of the notice of appeal.

(2) The Reviewing Officer's decision shall either affirm or reverse the original decision in whole or in part and include the reason(s) for the decision. The Reviewing Officer's decision may include instructions for further action by

the Forest Officer making the initial decision.

(3) The Reviewing Officer's decision is the final administrative decision of the Department of Agriculture and that decision is not subject to further review under this section or any other appeal regulation, except for appeals to the second level filed pursuant to paragraph (e) of this section.

(m) *Second level appeals.* For appeals to the second level filed pursuant to paragraph (e) of this section, a notice of appeal must be filed with the next higher administrative level within 15 days from the date of the first level Reviewing Officer's appeal decision. If the first level Reviewing Officer is the Forest Supervisor, the appeal is to the Regional Forester. If the first level Reviewing Officer is the Regional Forester, the appeal is to the Chief. The notice need only include the documents submitted at the previous level, the first level decision letter, and a statement addressing why the appellant believes the Reviewing Officer's decision is erroneous. A copy of that statement must be provided to the first level Reviewing Officer also. The first level Reviewing Officer may provide a response to the notice to appeal to the second level Reviewing Officer; and must send a copy to the appellant. The review will be based on the existing record from the first level appeal, the second level notice of appeal, and any response by the first Reviewing Officer. A decision shall be issued within 45 days after receiving the notice of appeal.

(n) *Dismissal.* (1) A Reviewing Officer shall dismiss an appeal without decision on the merits when:

(i) The appeal is not received within the time specified in paragraph (f) of this section;

(ii) The requested relief cannot be granted under existing law or regulation;

(iii) The notice of appeal does not meet the requirements of paragraph (h) of this section;

(iv) The appellant withdraws the appeal; or

(v) The Forest Officer making the initial decision to reoffer a sale withdraws that decision.

(2) If an appellant challenges an Environmental Assessment without referring to environmentally significant modifications which are alleged to have occurred after the initial timber sale was offered and the decision made to sell the

timber, or without referring to changed circumstances, the appeal or that portion of the appeal may be dismissed.

(3) A Reviewing Officer's decision to dismiss is not subject to further appeal or review.

(4) A Reviewing Officer will give written notice of a dismissal to the appellant and Forest Officer whose initial decision or appeal decision is being appealed.

3. Amend § 211.18 by adding new paragraphs (b) (13) and (14) to read as follows:

§ 211.18 Appeal of decisions of forest officers.

* * * * *

(b) *Matters excluded from appeal under this section.*

* * * * *

(13) Decisions to reoffer timber from returned or defaulted timber sales appealable under § 211.17.

(14) Subsequent actions to advertise and/or award a reoffered sale.

* * * * *

Dated: January 22, 1988.

George M. Leonard,

Associate Chief.

[FR Doc. 88-1750 Filed 1-27-88; 8:45 am]

BILLING CODE 3410-11-M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. RM 88-1]

37 CFR Part 201

Compulsory License for Cable Systems; Reporting of Gross Receipts

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of policy decision.

SUMMARY: The Copyright Office of the Library of Congress issues this notice to inform the public regarding implementation of the decision of the United States Court of Appeals for the District of Columbia in *Cablevision Systems Development Company v. Motion Picture Association of America, Inc.*, No. 86-5552 (D.C. Cir. Jan. 5, 1988), as that decision affects the Copyright Office's administration of the cable compulsory licensing scheme established at section 111 of the Copyright Act of 1976. The notice advises cable systems to report their "gross receipts" for accounting period 1987-2 in accordance with 37 CFR

201.17(b)(1), and informs them that the Copyright Office will require corrected filings, as appropriate, for accounting period prior to 1987-2. The Office also clarifies its interpretation of the "gross receipts" regulation as it applies to "discounts" and "tie-in" arrangements.

EFFECTIVE DATE: January 28, 1988.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, DC 20559, Telephone (202) 287-8380.

SUPPLEMENTARY INFORMATION:

1. Background

Section 111(c) of the Copyright Act of 1976, title 17 of the United States Code, establishes a compulsory licensing system under which cable systems may make secondary transmissions of copyrighted works. The compulsory license is subject to various conditions, including the requirement that cable systems comply with provisions regarding the filing of Statements of Account and the deposit of statutory royalty fees pursuant to section 111(d) of the Act.

On April 2, 1984, the Copyright Office issued final regulations (49 FR 13029) that included a clarifying amendment to the Copyright Office definition of "gross receipts for the 'basic service of providing secondary transmissions of primary broadcast transmitters.'" (37 CFR 201.17(b)(1)). In issuing this amendment, the Copyright Office confirmed its 1978 interpretation that the Copyright Act does not allow cable systems to allocate gross receipts or the distant signal equivalent (DSE) value where any secondary transmission service is combined with nonbroadcast service and is offered to cable subscribers for a single fee. Cablevision Company and the National Cable Television Association ("NCTA") challenged that interpretation before the U.S. District Court for the District of Columbia.

On July 31, 1986, the district court held the Copyright Office's regulation defining "gross receipts" invalid, yet did not specify an alternative method for calculating royalties under section 111(d). *Cablevision Company v. Motion Picture Association of America, Inc.*, 641 F.Supp. 1154 (D.D.C. 1986). On August 25, 1986, the Office issued an interim regulation (51 FR 30214) establishing

new reporting and recordkeeping requirements for cable systems pending the appeal to the Court of Appeals for the District of Columbia Circuit, and any necessary rulemaking. The Copyright Office considered the views of the public concerning the interim regulation and, making two minor changes to the regulation, issued it in final form on December 17, 1986 (51 FR 45110).

On January 5, 1988, the Court of Appeals for the District of Columbia Circuit reversed the district court's holding with respect to the validity of the Copyright Office's April 2, 1984 "gross receipts" regulation. The Court held that "the Copyright Office has the authority to issue regulations interpreting the statutory language at issue and . . . its interpretation was a reasonable one." Based on these holdings, the Court determined that "the district court erred in declining to defer to the Copyright Office's regulation as to what revenues make up 'gross receipts.'" *Cablevision Systems Development Company v. Motion Picture Association of America, Inc.*, No. 86-5552, slip. op. at 4 (D.C. Cir. Jan. 5, 1988).

The Copyright Office is publishing this policy decision to notify the public as to how the Office intends to implement the D.C. Circuit's decision. The Office provides guidance to cable systems and the public in three areas: (1) Cable systems' calculation of "gross receipts" for accounting period 1987-2 (regarding secondary transmissions made during the period from July 1, 1987 through December 31, 1987); (2) certain cable systems' recalculation of "gross receipts" and payment to the Copyright Office of any amounts underpaid for accounting periods prior to 1987-2; and (3) clarification of the Copyright Office's interpretation of the gross receipts regulation as it applies to "discounts" and "tie-in" arrangements.

2. Calculation of Royalties for 1987-2

The D.C. Circuit reversed the district court's holding in the *Cablevision* litigation and affirmed the validity of the Copyright Office definition of "gross receipts" at 37 CFR 201.17(b)(1) as a reasonable interpretation of the Copyright Act of 1976. The Office therefore considers that regulation to be effective as a binding interpretation of the Act for cable systems calculating gross receipts for accounting period 1987-2 (and for prior accounting periods,

as discussed below). The Office did not revoke the gross receipts regulation pending the appeal and informed cable systems that the Office believes the regulation represented the correct interpretation of the Act. Accordingly, cable systems should calculate gross receipts pursuant to the regulation and the directions on the Statement of Account forms issued by the Copyright Office. *Cable Systems should disregard Space P (Declaration of Gross Receipts) on Statement of Account Forms SA1-2 and SA3 already mailed to them.*

The Office considers 37 CFR 201.17(k), the transitional regulation issued on December 17, 1986 in light of the district court's decision, to be inapplicable to section 111 filings made after the issuance of the D.C. Circuit's reversal decision. The regulation was issued to ensure that cable systems that refused to follow the Office's gross receipts regulation because of the district court's decision in *Cablevision* would keep adequate accounting records so that, at the conclusion of the appellate process and any necessary rulemaking, those cable systems would have the tools to recalculate royalties owed for the affected accounting periods (beginning with the 1986-1 period) pursuant to a valid regulation. The D.C. Circuit affirmed that the April 2, 1984, regulation is valid, so the need for the declaration and recordkeeping requirements no longer exists for systems filing for accounting period 1987-2 and thereafter. Henceforth, cable systems will not be in compliance with the requirements of the cable compulsory license if they calculate royalties based upon their own definition of "gross receipts" and fail to comply with 37 CFR 201.17(b)(1). The Office is not revoking 37 CFR 201.17(k) at this time, however, and those cable systems that allocated gross receipts should retain the records of their methods and calculations for the five years set forth in the transitional regulation, unless the Office later issues a notice that the records are no longer needed.

3. Recalculation of Royalties for 1987-1, 1986-2, 1986-1, or Previous Accounting Periods

The D.C. Circuit's decision has eliminated the confusion created by the district court's invalidation of the Copyright Office's definition of "gross receipts" and the subsequent absence of

any approved system for the calculation of gross receipts. The Office, therefore, intends to begin the administrative steps leading to collection of any underpayments of royalties caused by a cable system's calculation of gross receipts by an unapproved method.

The Copyright Office is in the process of preparing a brief form to be used by cable systems for amending statements filed in accounting periods 1986-1, 1986-2, and 1987-1. The Office will attempt to mail these forms to every cable system that indicated on a declaration of gross receipts statement filed pursuant to 37 CFR 201.17(k) that the system did not calculate gross receipts pursuant to the Copyright Office's definition at 37 CFR 201.17(b)(1) for a particular accounting period. The Office will provide filing instructions and deadlines for the filing of this form at a later date.

The Copyright Office is aware that some cable systems chose to disregard the Copyright Office regulation and to calculate gross receipts based upon their own theories of allocation even before the district court issued its *Cablevision* decision. Any cable system that underpaid cable compulsory license royalties for any accounting period due to its application of an interpretation of "gross receipts" that differs from the Copyright Office definition should now file an amended statement of account for every relevant accounting period and submit the amount of royalties underpaid to the Copyright Office.

4. Clarification of the "Gross Receipts" Regulation as It Applies to "Tie-in" Arrangements and "Discounts"

The D.C. Circuit concluded that the Copyright Office's "gross receipts" regulation is reasonable "as applied to calculations involving any tier viewed in isolation." Slip. op. at 30. The Court, however, found unripe for judicial review an ancillary dispute presented through hypotheticals in the case. That dispute concerned letter responses made by the General Counsel of the Copyright Office to hypothetical questions posed by NCTA regarding the Office's interpretation of the "gross receipts" regulation as it applies to marketing practices styled "discounts" and "tie-ins." Id. With the exception of discounts associated with premium pay cable services, the Office believes the hypotheticals are abstract in nature and do not reflect actual marketing practices

of cable systems. Nevertheless, at this time the Copyright Office clarifies its interpretation of the regulation in these instances to give guidance to any cable systems that may decide to offer service packages like those described in the hypotheticals.

The "discount" hypotheticals set forth by NCTA in the *Cablevision* litigation involve a package of tiers sold by a cable system to subscribers for a discounted price—that is, the total price for a package of tiers of cable service is a lesser amount than the sum of the prices of each individual tier. For example, if a cable system offers to subscribers a package of three tiers of cable service for \$20, while each tier is individually priced at \$8, there is a \$4 discount for the package.

The gross receipts problem arises because not all the tiers in a particular package of service may contain broadcast signals. For example, a system may offer tier A, consisting of all broadcast signals, for \$10, tier B, consisting of both broadcast and nonbroadcast signals, for \$4, and tier C, consisting of all nonbroadcast signals, for \$9, and also offer a discount package of all three tiers for \$22. The DC Circuit suggests in dicta that in these circumstances, the cable system should report \$14 of the \$22 received from a subscriber to the discounted package as gross receipts because "it would be possible to buy all the broadcast signals, A and B, alone for \$14." The Copyright Office agrees that, so long as all of the broadcast signals offered in a discounted package of tiers of cable service are included on one or more of the individual tiers of service comprising the discounted package, and subscribers may actually elect to purchase those individual tiers separate from the tier or tiers in the package containing only nonbroadcast service, then "gross receipts" from subscribers to the discounted package shall be the lesser amount of (1) the sum of the amounts individually charged for every tier in the package that contains one or more broadcast signals, or (2) the price of the discounted package.

The "tie-in" hypotheticals set forth by NCTA in the *Cablevision* litigation involve marketing arrangements whereby a subscriber can purchase one tier only after another has first been purchased. For purposes of the calculation of gross receipts, "tie-in"

arrangements necessarily call into question whether origination services are offered "in combination with secondary transmission service for a single fee" so as to require all amounts for the services "tied in" to be included in gross receipts under 37 CFR 201.17(b)(1).

Two kinds of "tie-in" arrangements are relevant for a clarification of the "gross receipts" regulation. Under one kind of "tie-in" (Situation A), a subscriber must purchase a tier of service containing broadcast signals in order to purchase a tier of nonbroadcast service. Under the other (Situation B), a subscriber must purchase a tier of nonbroadcast service in order to purchase a tier containing broadcast signals. In applying the Copyright Office definition of "gross receipts" to Situation A, it is clear that a subscriber may purchase the tier of service containing broadcast signals for a separate fee, and the optional purchase of nonbroadcast service does not interfere with the market valuation of the tier including broadcast signals. The Copyright Office does not suggest, and has never suggested that fees for separately-priced pay cable service should be included in gross receipts just because pay cable can be purchased only by those who subscribe to a tier of service that contains broadcast signals.

However, the Copyright Office is concerned about Situation B, and the regulations require reporting of the gross receipts from both tiers in the reverse kind of "tie-in" arrangement where subscriber receipt of a tier containing broadcast signals is tied to a required purchase of a tier containing only nonbroadcast signals. In this case it is clear that the tier with broadcast signals is not separately priced in the marketplace because consumers do not have a choice of buying the tier with broadcast signals alone for a single fee. By using a Situation B "tie-in" arrangement rather than offering broadcast and nonbroadcast signals on a single tier for one price, or offering each on separate tiers totally independently, a cable system could easily manipulate downward its "gross receipts," if the regulation did not require the total receipts from both tiers to be reported as gross receipts. For example, the system could offer subscribers tier X, consisting of broadcast signals WTBS, WGN and

WOR for \$1 so long as they purchase tier Z, consisting of nonbroadcast signals (e.g. ESPN and CNN) for \$10. For each subscriber to the tied \$11 service, the system would assert the right to report \$1 gross receipts rather than the \$11 that would be reported if the broadcast and nonbroadcast signals were offered together on a single tier, or the amount somewhere in between \$1 and \$11 that would reflect the market price for a totally independent tier of broadcast signals.

The DC Circuit in dicta noted that, generally, "if a subscriber can buy a given tier without purchasing any others, its nominal price will be at least as great as its value; if the subscriber must purchase another tier to receive the one in question, the latter's price may be understated." Slip. op. at 32. Based upon this observation, the Court suggested that in Situation B type "tie-in" arrangements, where subscriber receipt of a tier including broadcast signals is contingent upon purchase of a tier of nonbroadcast signals, subscriber revenues from both tiers of service should be reported as gross receipts for purposes of calculating cable copyright royalties. Id. That is the position on "tie-in" arrangements taken by the Copyright Office as early as July of 1985 in a letter ruling to an attorney representing a cable operator, and the Office confirms that position at this time.

Ralph Oman,
Register of Copyrights.

Approved by:
William Welsh,
Acting Librarian of Congress.
[FR Doc. 88-1765 Filed 1-27-88; 8:45 am]
BILLING CODE 1410-08-M

POSTAL SERVICE

39 CFR Part 228

Miscellaneous Organizational Changes; Correction

AGENCY: Postal Service.

ACTION: Final rule; correction.

SUMMARY: The purpose of this document is to correct an error in the revised functional statement of the Transportation Management Service Centers (TMSCs) of the Mail Processing Department in the field, which, along with a number of other functional statements, was published in the

Federal Register on December 11, 1987 (52 FR 46998).

EFFECTIVE DATE: December 11, 1987.

FOR FURTHER INFORMATION CONTACT: Richard W. Peterson, (202) 268-4183.

SUPPLEMENTARY INFORMATION: In FR Doc. 87-28514, in the issue of Friday, December 11, 1987, the Postal Service published a final rule revising the functional statements of the various Headquarters and field groups, divisions and offices to reflect a general reorganization and realignment of functions. The document says in new § 228.3(a) that TMSC managers report to the General Manager, "Transportation Administration and Procurement Division," at Headquarters. The name of the Division is incorrect; it should have read "TMSC Administration and Special Project Division."

For the above reason, the Postal Service hereby corrects FR Doc. 87-28514, beginning on page 46998 in the issue of Friday December 11, 1987, as follows:

PART 228—[AMENDED]

On page 47001, right hand column, in paragraph (a) of § 228.3, strike out the words "Transportation Administration and Procurement Division" and insert "TMSC Administration and Special Projects Division" in lieu thereof is.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 88-1772 Filed 1-27-88; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-17; RM-5561]

Radio Broadcasting Services; Searcy, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a petition filed by KWCK, Inc., this document substitutes Channel 260C2 for Channel 257A at Searcy, Arkansas, and modifies the Class A license of Station KSER(FM) accordingly, thereby providing the community with its first wide coverage area FM service. With this action, the proceeding is terminated.

EFFECTIVE DATE: March 7, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-17, adopted December 24, 1987, and released January 21, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under California, by substituting Channel 260C2 for Channel 257A at Searcy.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-1754 Filed 1-27-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-391; RM-5797]

Radio Broadcasting Services; Fowler, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a petition filed by Bilmar Communications, Inc., this document substitutes Channel 244B1 for Channel 244A at Fowler, California, and modifies the Class A license of Station KEZL-FM, thereby providing that community with its first wide coverage area FM service. With this action, the proceeding is terminated.

EFFECTIVE DATE: March 7, 1988.

FOR FURTHER INFORMATION CONTACT:

Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-391, adopted December 24, 1987, and released January 21, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under California, by substituting Channel 244B1 for Channel 244A at Fowler.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-1756 Filed 1-27-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-180; RM-5723]

Radio Broadcasting Services; Loveland, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 273C2 for Channel 272A at Loveland, CO, and modifies the Class A license of Station KLOV-FM to specify operation on the higher powered channel, in response to a petition filed by Aspen Leaf Broadcasting Corp., d/b/a/ KLOV MA & FM. With this action, the proceeding is terminated.

EFFECTIVE DATE: March 7, 1988.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-180, adopted December 22, 1987, and released January 21, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Colorado, by revising the entry for Loveland, from Channel 272A to 273C2.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-1755 Filed 1-27-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-256; RM-5793]

Radio Broadcasting Services; Kill Devil Hills, NC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of Joseph A. Booth, allocates Channel 281C1 to Kill Devil Hills, North Carolina, as the community's first local FM service. Channel 281C1 can be allocated to Kill Devil Hills in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. With this action, this proceeding is terminated.

DATES: Effective March 7, 1988. The window period for filing applications

will open on March 8, 1988, and close on April 7, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87-256, adopted December 21, 1987, and released January 21, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for North Carolina is amended by adding the following entry, Kill Devil Hills, Channel 281C1.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-1753 Filed 1-27-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 73, 74 and 76

Oversight of the Radio and TV Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends broadcast regulations in 47 CFR, Parts 73, 74 and 76. Amendments are made to correct inaccurate rule texts, contemporize certain requirements and to execute editorial revisions as needed for clarity and ease of understanding.

EFFECTIVE DATE: February 25, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Steve Crane, Policy and Rules Division, Mass Media Bureau (202) 632-5414.

SUPPLEMENTARY INFORMATION: In this Order modifications are made to update, delete, clarify or correct regulations in Title 47, Code of Federal Regulations. Adopted December 9, 1987; released January 20, 1988.

Oversight of the Radio and TV Broadcast Rules; Order

Adopted: December 9, 1987

Released: January 20, 1988.

By the Chief, Mass Media Bureau.

1. In this *Order*, The Commission focuses its attention on the oversight of its radio and TV broadcast rules. Modifications are made herein to update, delete, clarify or correct broadcast regulations as described in the following amendment summaries:

(a) In its ongoing effort to relax or remove unneeded, restrictive regulations, the Commission, in MM Docket 84-751, adopted changes in § 73.58(b). *Report and Order* Mass Media Docket 84-751, 49 FR 49848, December 24, 1984. The modification was designed to remove greatly detailed information concerning types of equipment, installation and the care and handling of meters required to measure radio frequency current at the base of each antenna element. In addition to removing this "how to" text, the rule amendment excised the requirement that the ammeter should "be permanently installed in the antenna circuit * * *".

The simplified text of the revised rule has led some licensees to presume that the amendment removed the option of using "a suitable jack and plug arrangement * * * to permit the removal of the meter from the antenna circuit so as to protect it from damage by lightning". While the extant, revised rule is silent on "jack and plug" use, it was not meant to preclude such use.

In order to fully clarify paragraph (b), additional text is added (much as it read before) to clearly approve of such "jack and plug" procedures. (See appendix rule item 2).

(b) Parts 73 and 74 of the FCC Rules set forth regulations in other Parts of 47 CFR which apply to broadcast, experimental, auxiliary, special broadcast and other program distribution services. In Part 73, this listing of applicable regulations is found in § 73.1010. Cross reference to rules in other parts. In Part 74, it is given in § 74.5, bearing the same section title. In

the past few years, rulemaking proceedings have wrought many amendments to 47 CFR which removed text referring to many section numbers and titles and the use of designations such as Volumes I, II and III of the rules. These two §§ 73.1010 and 74.5 are revised herein to delete or correct, as appropriate, these errors. (See appendix rule items 3 and 8).

(c) Any applicant for renewal of license who has had a petition to deny approval of the application filed against it may file an opposition to that petition within 30 days after the petition is filed. (See § 73.3584(b)). The petitioner may, in turn, file a reply to the opposition within 20 days after the opposition is due or within 20 days after the opposition is filed, whichever is longer.

A portion of § 73.3584(b) was amended in 1983 (*Report and Order*, General Docket 81-768, 48 FR 27182, June 13, 1983). In the revision, the alternative proviso to file the reply "within 20 days after the opposition is due" was inadvertently dropped, leaving the proviso standing nonsensically alone stating only "within 20 days after opposition is filed, whichever is longer." The dropped alternative proviso is returned to the rule herein. (See rule appendix item 4).

(d) When our rules were conformed with the public law which extended renewal periods to 5 and 7 years, respectively, for TV and radio stations (Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35, 95 Stat. 357), one reference to the old triennial renewal period went unchanged. It is found in § 73.3615, Ownership reports, in paragraph (d). The rule directs "Licensees owning more than one non-commercial educational * * * station to file only one Ownership Report at 3 year intervals" (Emphasis added). This aberration is corrected herein by correctly requiring such reporting at 5 or 7 year intervals. (See appendix rule item 5).

(e) Commission policy pertaining to certification of financial qualifications by new station applicants was released via Public Notice on May 7, 1987. (52 FR 17333, May 7, 1987). This new policy is herein listed in 47 CFR Part 73 as § 73.4099, Financial qualifications, Certification of. Concurrently, the title is added to the alphabetical index of Part 73. (See appendix rule items 6 and 7).

(f) Section 76.611 sets forth the basic signal leakage performance criteria for Cable TV systems. Several formulas, along with descriptive text are set forth in paragraph (a)(1) of this rule. In two of the formulas, the Greek letter phi (ϕ) is used as an equation symbol, but in the descriptive text accompanying the formulas, the symbol theta (θ) is shown. This corrected to read ϕ (phi) herein. (See appendix rule item 9).

2. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public. We conclude, for the reasons set forth above, that these revisions will serve the public interest.

3. These amendments are implemented by authority delegated by the Commission to the Chief, Mass Media Bureau. Inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B).

4. Since a general notice of proposed rulemaking is not required, the Regulatory Flexibility Act does not apply.

5. Therefore, it is ordered, that pursuant to sections 4(i), 303(r) and 5(c)(1) of the Communications Act of 1934, as amended, and §§ 0.61 and 0.283 of the Commission's Rules, Parts 73, 74 and 76 of the FCC Rules and Regulations are amended as set forth in the attached Appendix, effective 30 days after the date of the publication in the **Federal Register**.

6. For further information on this *Order*, contact Steve Crane, (202) 632-5414, Mass Media Bureau.

Federal Communications Commission.
Alex D. Felker,
Chief, Mass Media Bureau.

Attachment: Appendix.

Appendix

List of Subjects in 47 CFR Parts 73, 74 and 76

Radio broadcasting.

Rules Changes

47 CFR is amended to read as follows:

PARTS 73, 74 AND 76—[AMENDED]

1. The authority citation for Parts 73, 74 and 76 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. Section 73.58 is amended by revising paragraph (b) to read as follows:

§ 73.58 Indicating Instruments.

* * * * *

(b) A thermocouple type ammeter or other device capable of providing an indication of radio frequency current, meeting the requirements of § 73.1215, shall be installed at the base of each antenna element. A suitable jack and plug arrangement may be used to permit removal of the meter from the antenna circuit thereby protecting it from damage by lighting.

* * * * *

3. Section 73.1010 is revised to read as follows:

§ 73.1010 Cross reference to rules in other parts.

Certain rules applicable to broadcast services, some of which are also applicable to other services, are set forth in the following Parts of the FCC Rules and Regulations.

(a) Part 1, "Practice and Procedure."

(1) Subpart A, "General Rules of Practice and Procedure". (§§ 1.1 to 1.120).

(2) Subpart B, "Hearing Proceedings". (§§ 1.201 to 1.364)

(3) Subpart C, "Rulemaking Proceedings". (§§ 1.399 to 1.430).

(4) Subpart G, "Schedule of Statutory Charges and Procedures for Payment". (§§ 1.1101 to 1.1116).

(5) Subpart H, "Ex Parte Communications". (§§ 1.1200 to 1.1216).

(6) Subpart I, "Procedures Implementing the National Environmental Policy Act of 1969". (§§ 1.1301 to 1.1319).

(b) Part 2, "Frequency Allocations and Radio Treaty Matters, General Rules and Regulations", including Subparts A, "Terminology"; B, "Allocation, Assignments and Use of Radio Frequencies"; C, "Emissions"; D, "Call Signs and Other Forms of Identifying Radio Transmissions"; and J, "Equipment Authorization Procedures".

(c) Part 13, "Commercial Radio Operators".

(d) Part 17, "Construction, Marking and Lighting of Antenna Structures".

(e) Part 74, "Experimental, Auxiliary and Special Broadcast and Other Program Distributional Services" including:

- (1) Subpart A, "Experimental Broadcast Stations";
- (2) Subpart D, "Remote Pickup Broadcast Stations";
- (3) Subpart E, "Aural Broadcast Auxiliary Stations";
- (4) Subpart F, "Television Broadcast Auxiliary Stations";
- (5) Subpart G, "Low Power TV, TV Translator and TV Booster Stations";
- (6) Subpart H, "Low Power Auxiliary Stations";
- (7) Subpart I, "Instructional TV Fixed Service"; and
- (8) Subpart L, "FM Broadcast Translator Stations and FM Broadcast Booster Stations".

4. Section 73.3584 is amended by revising paragraph (b) to read as follows:

§ 73.3584 Petitions to deny.

(b) Except in the case of applications for new low power TV or TV translator stations, or for major changes in the existing facilities of such stations, the applicant may file an opposition to any Petition to Deny, and the Petitioner a reply to such opposition in which allegations of fact or denials thereof shall be supported by affidavit of a person or persons with personal knowledge thereof. The times for filing such oppositions and replies shall be those provided in § 1.45 except that as to a Petition to Deny an application for renewal of license, an opposition thereto may be filed within 30 days after the Petition to Deny is filed, and the party that filed the Petition to Deny may reply to the opposition within 20 days after opposition is due or within 20 days after the opposition is filed, whichever is longer. The failure to file an opposition or a reply will not necessarily be construed as an admission of fact or argument contained in a pleading.

5. Section 73.3615 is amended by revising paragraph (d) to read as follows:

§ 73.3615 Ownership reports

(d) Each licensee of a noncommercial educational AM, FM or TV broadcast station shall file an Ownership Report or FCC Form 323-E at the time the application for renewal of station license is required to be filed. Licensees owning more than one noncommercial educational AM, FM or TV broadcast station need file only one Ownership Report at 5 year intervals for TV stations and 7 year intervals for AM and FM stations. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

6. New § 73.4099 is added to 47 CFR Part 73 to read as follows: § 73.4099 Financial qualifications, certification of. See Public Notice, FCC 87-97, adopted March 19, 1987. 52 FR 17333, May 7, 1987.

INDEX, PART 73—[AMENDED]

7. The alphabetical index of 47 CFR Part 73 is amended by *adding* the following index entries:

(Following "Carrier Frequency measurements"..... 73.1540)
 Certification of financial qualifications.....73.4099(*).
 (Following "Financial qualifications"
 AM and FM.....73.4100(*)
 TV.....73.4100(*))
 Financial qualifications,
 Certification of..... 73.4099(*)

8. Section 74.5 is revised to read as follows:

§ 74.5 Cross reference to rules in other parts.

Certain rules applicable to Experimental, Auxiliary, Special Broadcast and other Program Distribution services, some of which are also applicable to other services, are set forth in the following Parts of the FCC Rules and Regulations:

(a) Part 1, "Practice and procedure".

(1) Subpart A, "General Rules of Practice and Procedure". (§§ 1.1 to 1.120).

(2) Subpart B, "Hearing Proceedings". (§§ 1.120 to 1.364).

(3) Subpart C, "Rulemaking Proceedings". (§§ 1.399 to 1.430).

(4) Subpart G, "Schedule of Statutory Charges and Procedures for Payment". (§§ 1.1101 to 1.1120).

(5) Subpart H, "Ex Parte Presentations". (§§ 1.1200 to 1.1216).

(6) Subpart I, "Procedures Implementing the National Environmental Policy Act of 1969". (§§ 1.1301 to 1.1319).

(b) Part 2, "Frequency Allocations and Radio Treaty Matters, General Rules and Regulations", including Subparts A, "Terminology"; B, "Allocation, Assignments and Use of Radio Frequencies"; C, "Emissions"; D, "Call Signs and Other Forms of Identifying Radio Transmissions"; and J, "Equipment Authorization Proceedings".

(c) Part 13, "Commercial Radio Operators".

(d) Part 17, "Construction, Marking and Lighting of Antenna Structures".

(e) Part 73, "Radio Broadcast Services".

9. Section 76.611 is amended by revising the second paragraph of the descriptive text following the formulas in paragraph (a)(1) to read as follows:

§ 76.611 Cable television basic signal leakage performance criteria.

(a) * * *

(1) * * *

Formulas * * *

r_1 * * *

0 is the fraction of the system cable length actually examined for leakage sources and is equal to the strand miles of plant tested divided by the total strand miles in the plant;

[FR Doc. 88-1718 Filed 1-27-88; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register

Vol. 53, No. 18

Thursday, January 28, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL ELECTION COMMISSION

11 CFR Part 110

[Notice 1988-3]

Rulemaking Petition; Ted Haley Congressional Committee

AGENCY: Federal Election Commission.**ACTION:** Rulemaking petition; notice of availability.

SUMMARY: On November 30, 1987, the Commission received a Petition for Rulemaking from the Ted Haley Congressional Committee. The petition suggests the addition of a new § 110.1(g)(3) to establish a rebuttable presumption that post-election contributions are "for the purpose of influencing" a federal election. The Commission's current regulations, and long-standing policy, treat all such donations as contributions that are covered by the Act's prohibitions and limitations.

DATE: Comments must be received on or before February 29, 1988.

ADDRESS: Comments must be in writing and addressed to: Ms. Susan E. Propper, Assistant General Counsel, 999 E Street NW., Washington, DC 20463.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, (202) 378-5690 or (800) 424-9530.

Rulemaking Petition: Notice of Availability

The petitioner is urging the Commission to add a new subsection to its regulations at 11 CFR 110.1. Section 110.1 implements the Federal Election Campaign Act's limitations on

contributions by persons to Federal candidates and political committees. See 2 U.S.C. 441a(a). The petition suggests the addition of a new § 110.1(g)(3) to establish a rebuttable presumption that post-election. See 2 U.S.C. 431(8). It should be noted that the proposed designation for this new subsection is based upon the 1977 version of section 110.1. That section was substantially revised in 1987. See 52 F.R. 11187 (April 8, 1987); 52 F.R. 760 (Jan. 9, 1987).

Under the language proposed by the petition, a contributor could demonstrate that his or her post-election contribution to a candidate was not for the purpose of influencing that candidate's election and, thus, should not be subject to limit. The Commission's current regulations, and long-standing policy, treat all such donations as contributions that are covered by the Act's prohibitions and limitations. See 11 CFR 110.1.

As a basis for its petition, the Committee cites to the United States District Court's opinion in *Federal Election Commission v. Ted Haley Congressional Committee*, 654 F. Supp. 1120 (W.D. Wa. 1987). This decision is currently on appeal to the Ninth Circuit Court of Appeals. *FEC v. Ted Haley Congressional Committee*, No. 87-3867 (filed April 24, 1987):

Copies of the Petition for Rulemaking are available for public inspection and copying at the Commission's Public Records Office, 999 E Street NW., Washington, DC 20463, between the hours of 9:00 am and 5:00 pm. Statements in support of or in opposition to the petition must be filed with the Commission by February 29, 1988.

Thomas J. Josefak,
Chairman, Federal Election Commission.
Dated: January 22, 1988.

[FR Doc. 88-1653 Filed 1-27-88; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-166-AD]

Airworthiness Directives: Aerospatiale Model ATR-42 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to Aerospatiale Model ATR-42 series airplanes, that would require inspections for cracks of each main landing gear (MLG) wheel, and replacement, if necessary. This proposal is prompted by reports of cracks on inboard wheel halves. This condition, if not corrected, could lead to complete failure of the wheel.

DATES: Comments must be received no later than March 14, 1988.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-166-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168. The applicable service information may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Art Scholes, Standardization Branch, ANM-113; telephone (206) 431-1979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-166-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The Direction Générale de L'Aviation Civile (DGAC), which is the airworthiness authority of France has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition which may exist or develop on Aerospatiale Model ATR-42 series airplanes. Fatigue cracks have been identified in the inboard wheel halves of the MLG. This condition, if not corrected, could lead to complete failure of the wheel.

Aerospatiale has issued Service Bulletin ATR42-32-0006, Revision 2, dated August 14 1987, which describes inspections for cracks in the inboard wheel halves of the MLG, and replacement, if necessary. The DGAC issued Consigne de Navigabilité 87-091-006(B) on July 15, 1987, to require inspection and replacement in accordance with the service bulletin. The ATR-42 service bulletin references instructions in Loral Service Bulletin No. ATR42-32-40-1, Revision 2. The FAA

has reviewed the Loral Systems Group Service Bulletin ATR42-32-40-1, Revision 2, dated June 23, 1987, and considers the inspections described to be adequate; however, the FAA has determined that, after a cracked spoke is detected, only one additional landing may be made with one cracked spoke on one wheel half before replacement is required.

This airplane model is manufactured in France and type certificated in the United States under the provisions of section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require visual and non-destructive inspections of inboard wheel assembly, and replacement, if necessary, in accordance with the previously mentioned service bulletins.

It is estimated that 18 airplanes of U.S. registry would be affected by this AD, that it would take approximately 7 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$5,040.

For the reasons discussed above, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities because of the minimal cost of compliance per airplane (\$280). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of

the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); (Revised Pub. L., 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Aerospatiale: Applies to Model ATR-42 series airplanes, certificated in any category. Compliance required within 7 days after the effective date of this AD, unless previously accomplished.

To prevent failure of the wheel, due to cracked spokes, accomplish the following:

A. With the airplane jacked, perform a visual inspection of the inboard wheel halves for cracks, in accordance with Loral Systems Group Service Bulletin ATR42-32-40-1, Revision 2, dated June 23, 1987. Repeat the inspection at intervals not to exceed 7 days. If a crack is detected, only one additional landing may be made after the detection of a crack before the cracked inboard wheel half must be replaced.

B. At each tire change, perform an eddy current inspection or other nondestructive test of the inboard wheel halves, in accordance with Loral Systems Group Service Bulletin ATR42-32-40-1, Revision 2, dated June 23, 1987. Replace any cracked inboard wheel half before further flight.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Aerospatiale, 316 Route de Bayonne, 31060 Toulouse Cedex 03, France. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on January 12, 1988.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 88-1682 Filed 1-27-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39**(Docket No. 87-NM-148-AD)****Airworthiness Directives; Boeing Model 747 Series Airplanes****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD), applicable to certain Boeing Model 747 airplanes, which would require certain manual and/or electrical tests; inspections and repair, if necessary; interim manual operating procedures; and modifications to the lower lobe forward and aft cargo doors. This proposal is prompted by a lower lobe forward cargo door, with damaged lock sectors, that partially opened in flight. This condition, if not corrected, could lead to the opening of a lower lobe cargo door in flight, which could result in rapid depressurization of the airplane.

DATE: Comments must be received no later than March 14, 1988.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-148-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Pliny Brestel, Airframe Branch, ANM-120S; telephone (206) 431-1931. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket

number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-148-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

An operator of a Boeing Model 747 airplane reported that the airplane would not pressurize correctly at 20,000 feet with both outflow valves closed. Inspection, after landing, revealed that the lower edge of the lower lobe forward cargo door was open 1.0 to 1.5 inches. The master latch lock handle was stowed in the locked position and the pressure relief doors were closed. There were no related door warning signals observed in the cockpit during the flight. The door had been closed manually prior to departure. Further investigation revealed some damage to all eight lock sectors with one lock sector broken.

Presently, there are three possible lock sector arrangements for the lower lobe cargo doors: The original lock sector configuration; lock sector elements which may have been modified by adding aluminum lock sector plates in accordance with Boeing Service Bulletin 747-52-2105 or in production, line numbers 266 through 326; or the present arrangement in which the original lock sector elements are relocated, without aluminum lock sector plates, to provide increased lock/latch engagement.

Testing by the manufacturer and several operators revealed that, in some instances, it is possible to electrically or

manually open the latches with the lock sectors in the locked position. Cargo doors that could be inadvertently unlatched could subsequently open in flight.

The FAA has reviewed and approved Boeing Alert Service Bulletins 747-52A2206, Revision 3, and 747-52A2209, both dated August 27, 1987, which describe procedures for testing, interim door operation procedures, and modification of the lower lobe forward and aft cargo doors to prevent cargo doors from opening in flight.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require manual and/or electrical door operating tests, interim door operating procedures for those doors with the original locking system configuration, and modifications to the door locking mechanism, in accordance with the two service bulletins previously mentioned.

It is estimated that 156 airplanes of U.S. registry would be affected by this AD, that it would take approximately 52 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$324,480.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities because few, if any, Model 747 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of

the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 4354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes, as listed in Boeing Alert Service Bulletins 747-52A2206, Revision 3, and 747-52A2209, both dated August 27, 1987, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To ensure that inadvertent opening of the lower lobe cargo doors will not occur in flight, accomplish the following:

A. For those airplanes, specified in Boeing Alert Service Bulletin 747-52A2206, Revision 3, dated August 27, 1987:

1. Within 30 days after the effective date of this AD for those airplanes without aluminum lock sector plates installed, and within 90 days after the effective date of this AD for those airplanes with aluminum lock sector plates installed, perform as applicable, the mechanical and electrical latch lock system tests on the lower lobe forward and aft cargo doors in accordance with paragraphs III.A. and III.B. of the service bulletin, or later FAA-approved revisions. Airplanes with doors that do not pass either test must be repaired prior to further flight, in accordance with FAA-approved procedures. The electrical test in accordance with paragraph III.B. of the service bulletin must be repeated at intervals not to exceed one year until terminating action in accordance with paragraph A.3., below, is accomplished.

2. Within 30 days after the effective date of this AD, for those lower lobe cargo doors without aluminum lock sector plates installed:

a. Visually inspect for broken, bent or otherwise damaged lock sectors which could affect the integrity of the door locking mechanism and repair, if necessary, prior to further flight, in accordance with FAA-approved procedures.

b. Change the FAA-approved maintenance program to provide special procedures for manual door operation. Those procedures must include the following requirements:

(1) The procedures must be accomplished or witnessed by qualified personnel in accordance with the operator's FAA-approved maintenance program.

(2) Just prior to pulling the cargo loading ramp away from the door, the master latch lock handle must be recycled; the lock handle and pressure relief doors must open fully when the lock handle release trigger is pressed; and the pressure relief doors must close fully when the lock handle is fully stowed.

(3) Compliance with these procedures must be documented in accordance with the operator's FAA-approved maintenance program.

c. The special procedures specified in paragraph A.2.b., above, for manual door operation, must be continued and performed prior to each flight until electrical restoration and operation are resumed and reinspection of the lock sectors has been accomplished in accordance with paragraph A.2.a., above.

3. Within 18 months after the effective date of this AD, for those airplanes without aluminum lock sector plates installed, and within 24 months for those airplanes with aluminum lock sector plates installed on the forward and/or aft lower lobe cargo door locking mechanism, modify the doors in accordance with paragraphs III.H. through III.O. of Boeing Alert Service Bulletin 747-52A2206, Revision 3, dated August 27, 1987, or later FAA-approved revisions. Completion of this modification constitutes terminating action for this AD and the special door operating procedures required by paragraph A.2.b., above, may be deleted from operator's maintenance program.

B. For those airplanes, specified in Boeing Alert Service Bulletin 747-52A2209, dated August 27, 1987:

1. Within 90 days after the effective date of this AD, perform the electrical latch lock system test on the lower lobe forward and aft cargo doors in accordance with paragraph III.A. of Boeing Alert Service Bulletin 747-52A2209, dated August 27, 1987, or later FAA-approved revisions. Airplanes with doors that do not pass the above test must be repaired, prior to further flight, in accordance with FAA-approved procedures. The above test must be repeated at intervals not to exceed one year, until terminating action in accordance with paragraph B.2., below, is accomplished.

2. Within 24 months after the effective date of this AD, modify the lower lobe forward and aft cargo doors in accordance with paragraphs III.E. through III.L. of Boeing Alert Service Bulletin 747-52A2209, dated August 27, 1987, or later FAA-approved revisions. Completion of this modification constitutes terminating action for this AD.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle

Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on January 12, 1988.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 88-1684, Filed 1-27-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-ASO-21]

Proposed Designation of Transition Area, Nashville, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate the Nashville, Georgia, transition area to accommodate instrument flight rule (IFR) operations at the Berrien County Airport. This action will lower the base of controlled airspace from 1200' to 700' above the surface in the vicinity of the airport. An instrument approach procedure is being developed to serve the airport and the controlled airspace is required for protection of IFR aeronautical operations.

DATES: Comments must be received on or before: February 28, 1988.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO-530, Manager, Airspace and Procedures Branch, Docket No. 87-ASO-21, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ASO-21 to designate the Nashville, Georgia, transition area." This action will provide controlled airspace for aircraft executing a new instrument approach procedure to the Berrien County Airport. If a proposed designation of the transition area is found acceptable, the operating status of the airport will be changed to IFR. The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned

with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) Nashville, Georgia (New). Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Nashville, Georgia (New)

That airspace extending upward from 700' above the surface within a 6-mile radius of the Berrien County Airport (Lat. 31°12'45" N, Long. 83°13'40" W.).

Issued in East Point, Georgia, on January 6, 1988.

William D. Wood,
Acting Manager, Air Traffic Division,
Southern Region.

[FR Doc. 88-1677 Filed 1-27-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-ANM-23]

Proposed Amendment to Control Zone, Hayden, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Hayden, Colorado, control zone. The action is necessary to provide controlled airspace to encompass a new instrument approach procedure. This would ensure segregation of aircraft operating in instrument flight rules conditions and other aircraft operating in visual flight rules conditions.

DATES: Comments must be received on or before March 25, 1988.

ADDRESSES: Send comments on the proposal to: Manager, Airspace & System, Management Branch, ANM-530, Federal Aviation Administration, Docket No. 87-ANM-23, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

The official docket may be examined in the Office of Regional Counsel at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Ted Melland, ANM-536, Federal Aviation Administration, Docket No. 87-ANM-23, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone (206) 431-2538.

SUPPLEMENTARY INFORMATION:**Comments invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ANM-23". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking any action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace & System Management Branch, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide additional controlled

airspace to contain a new approach procedure at Hayden, Colorado.

Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§71.171 [Amended]

2. Section 71.171 is amended as follows:

Hayden, Colorado, [Amended]

Change the period to a semicolon at the end of the first sentence and add, " * * * and within 3.5 miles each side of the Hayden VOR 118° radial extending from the 5 mile radius zone to 18.5 miles southeast of the VOR.

Issued in Seattle, Washington, on January 15, 1988.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 88-1678 Filed 1-27-88; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE**International Trade Administration****15 CFR Part 379**

[Docket No. 71283-7283]

Export Control Policy Forum on Technical Data Export Controls; Change in Time and Location

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Correction.

SUMMARY: On January 7, 1988, the Bureau of Export Administration published a Notice of a Forum on Technical Data Controls (53 FR 418) to solicit industry comment and involve industry in the implementation of export control programs. Due to the unexpected number of responses to that notice, the time and location have been changed.

DATE: February 11, 1988, from 8:30 a.m. to 4:00 p.m. (with a break for lunch). As previously announced, registration for the Forum will start at 8:00 a.m.

ADDRESS: The Forum will be held in Washington, DC at the Commerce Department's Herbert C. Hoover Building, 14th Street and Pennsylvania Avenue, NW., Main Auditorium. Attendees should enter the Hoover Building at the entrance on 14th Street, between Pennsylvania Avenue and Constitution Avenue.

FOR FURTHER INFORMATION CONTACT: Kenneth Cutshaw, Office of the Deputy Assistant Secretary for Export Administration, Room 3888, U.S. Department of Commerce, P.O. Box 273, Washington, DC (Telephone: (202) 377-5711).

SUPPLEMENTARY INFORMATION: Other information on the Forum, including the technical data issues to be discussed, is contained in the Supplementary Information section of the January 7 notice.

Dated: January 25, 1988.

Dan Hoydysh,

Acting Deputy Assistant Secretary for Export Administration.

[FR Doc. 88-1786 Filed 1-27-88; 8:45 am]

BILLING CODE 3510-DI-M

FEDERAL TRADE COMMISSION**16 CFR Part 13**

(File No. 861-0143)

Medical Staff of Doctors' Hospital of Prince George's County; Proposed Consent Agreement with Analysis to Aid Public Comment**AGENCY:** Federal Trade Commission.**ACTION:** Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, the medical staff of a hospital in Prince George's County, Maryland from engaging in concerted, coercive conduct that would prevent a health maintenance organization or others from offering health care services.

DATE: Comments must be received on or before March 28, 1988.

ADDRESS: Comments should be directed to: FTC/Office of the Secretary, Room 136, 6th St. and Pa. Ave. NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: FTC/S-3115, M. Elizabeth Gee, Washington, DC 20580. (202) 326-2756.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Doctors, Medical staffs, Medical facilities, Trade practices.

Agreement Containing Consent Order to Cease and Desist

In the matter of Medical Staff of Doctors' Hospital of Prince George's County, an unincorporated association.

The Federal Trade Commission having initiated an investigation of certain acts and practices of the Medical Staff of Doctors' Hospital of Prince George's County, and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from engaging in the acts and practices being investigated,

It is hereby agreed by and between proposed respondent and its duly authorized attorney and counsel for the Federal Trade Commission that:

1. Proposed respondent, Medical Staff of Doctors' Hospital of Prince George's County ("Medical Staff"), an unincorporated association organized and existing under the laws of the State of Maryland, has its principal place of business at Doctors' Hospital of Prince George's County, 8118 Goodluck Road, Lanham, Maryland 20706.

2. Proposed respondent admits all of the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent, except to the extent described in

Paragraph Two, that the facts as alleged in the draft complaint are true or that the law has been violated as alleged in the draft of complaint

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules of Practice, the Commission may, without, further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order**I**

For purposes of this order, the following definitions shall apply:

A. "Medical Staff" means the respondent Medical Staff of Doctors' Hospital of Prince George's County, its officers, agents, representatives, employees, committees, task forces, and its successors or assigns.

B. "Corrective action" means action taken pursuant to and in conformance with the Medical Staff's by-laws against any person with clinical privileges at Doctors' Hospital of Prince George's County who fails to provide evidence of malpractice insurance coverage or whose professional conduct or activities are detrimental to patient safety or to the delivery of quality patient care or are unreasonably disruptive to the operation of Doctors' Hospital of Prince George's County.

C. "Integrated joint venture" means a joint arrangement to provide pre-paid health care services in which physicians who would otherwise be competitors pool their capital to finance the venture, by themselves or together with others, and share substantial risk of adverse financial results caused by unexpectedly high utilization or costs of health care services.

II

It is ordered, that the Medical Staff, directly, indirectly or through any device, in connection with the provision of health care services in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from organizing, facilitating, or acting in furtherance of any agreement or combination, either express or implied, among any physicians, to refuse, or threaten to refuse, to deal with, or otherwise coerce, any person or entity for the purpose or with the effect of preventing or restricting the offering or delivery of health care services by any health maintenance organization, hospital or other health care facility.

III

A. It is provided, that this order shall not be construed to prohibit the Medical Staff or its members from engaging, pursuant to the Medical Staff's by-laws, in credentialing, corrective action, utilization review, quality assurance, peer review, or hospital policy-making at Doctors' Hospital of Prince George's County, where such conduct by the Medical Staff neither constitutes nor is of any agreement, combination, or conspiracy the purpose, effect or likely effect or which is to impede unreasonably the development or operation of any health maintenance organization, hospital or other health care facility.

B. It is further provided, that this order shall not be construed to prohibit the Medical Staff from facilitating the formation of an integrated joint venture that may refuse to deal with any person or entity as long as the physicians participating in the joint venture remain free to deal with any third-party payer other than through the joint venture.

IV

A. It is further ordered that within thirty (30) days after service of this order, the Medical Staff shall mail a copy of this order and the accompanying complaint to the Executive Director of Doctors' Hospital of Prince George's County, to the President of the George Washington University Health Plan, and to each of the Medical staff's members.

B. It is further ordered that the Medical Staff shall, within sixty (60) days after service of this order, and at any time the Commission, by written notice, may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which the Medical Staff has complied and is complying with this order.

C. It is further ordered that the Medical Staff shall promptly notify the Commission of any change in the Medical Staff's business address or of any proposed change in its organization that may affect compliance obligations arising out of this order.

Medical Staff of Doctors' Hospital of Prince George's County Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement to a proposed consent order from the Medical Staff of Doctors' Hospital of Prince George's County ("Medical Staff" or "proposed respondent") located in Lanham, Maryland. The agreement with the Medical Staff would settle charges by the Federal Trade Commission that the Medical Staff injured consumers and competition by conspiring to impede the entry of the George Washington University Health Plan ("Health Plan") into Prince George's County, Maryland in order to protect its members from competition, in violation of Section 5 of the Federal Trade Commission Act.

The proposed consent order has been placed on the public record for 60 days for reception of comments by interested persons. Comments received during this

period will become part of the public record. After 60 days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Complaint

A complaint has been prepared for issuance by the Commission along with the proposed order. It alleges that the Medical Staff and its members engaged in a conspiracy to prevent, impede or limit the operations of the Health Plan for the purpose of protecting the Medical Staff's members from competition with the Health Plan.

The complaint alleges that in furtherance of this combination or conspiracy, representatives of the Medical Staff coerced and pressured American Medical International ("AMI"), the owner of both the Health Plan and Doctor's Hospital of Prince George's County ("Hospital"), not to open its planned Health Plan facility in Prince George's County. In particular, the complaint alleges that the Medical Staff threatened, first, that it would act collectively to prevent the opening of the facility and, second, if AMI nevertheless opened the facility, the Medical Staff then would act collectively to force the Hospital to close.

The Complaint alleges that the effects of the conspiracy have been to restrain trade unreasonably in Prince George's County and to deprive consumers of the benefits of competition in the following ways, among others: (1) Competition was restrained between physicians and the Health Plan, and between the Health Plan and other prepaid health plans in Prince George's County; (2) the Health plan's patients and other consumers were deprived of the benefits of competition, including certain benefits offered by the planned Health Plan facility; and (3) the Health Plan was restricted in its ability to serve consumers and compete in the provision of health care services.

The Proposed Consent Order

Paragraph I of the proposed order defines certain terms used in the order. Paragraph II, the central provision of the order, prohibits proposed respondent from engaging in concerted, coercive conduct that has the purpose or effect of preventing or restricting any HMO or

other health care facility from offering health care services.

Paragraph III contains two provisos which permit conduct that the order otherwise prohibits. The first allows the Medical Staff or its members to engage in customary medical staff activities, such as credentialing and peer review, as long as such conduct is not part of an agreement that has the purpose or effect of unreasonably impeding the operation of a health care facility.

The second proviso allows the Medical Staff to facilitate the formation of an "integrated joint venture" that refuses to deal with any person or entity, as long as the physicians participating in the joint venture remain free to deal with any third-party payer other than through the joint venture. The term "integrated joint venture" is defined by the order to mean a joint arrangement to provide pre-paid health care services in which physicians who would otherwise be competitors pool their capital to finance the venture, by themselves or together with others, and share substantial risk of adverse financial results caused by unexpectedly high utilization or costs of health care services.

Part IV requires proposed respondent to (1) mail a copy of the order to the Executive Director of Doctors' Hospital, to the President of the Health Plan, and to each of the Medical Staff's members; (2) file an initial compliance report, and additional reports thereafter at the written request of the Commission; and (3) notify the Commission of any proposed change in its organization that may affect its compliance obligations under the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify their terms in any way.

The proposed consent order has been entered into for settlement purposes only and does not constitute an admission by the proposed respondent that the law has been violated as alleged in the complaint.

Emily H. Rock,

Secretary.

[FR Doc. 88-1734 Filed 1-27-88; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[File No. 851-0002]

Medical Staff of Memorial Medical Center; Proposed Consent Agreement with Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, the medical staff of a Savannah, Ga. medical center from denying or restricting or recommending denial or restriction of hospital privileges for any nurse-midwife, unless the staff has a reasonable basis for believing that such restriction would serve the interest of the hospital in providing health care services. Respondent would also be prohibited from refusing to deal with or coercing the hospital or any person, organization or institution if the purpose or effect is to restrict the practice of nurse-midwifery generally or of any nurse-midwife.

DATE: Comments must be received on or before March 28, 1988.

ADDRESS: Comments should be directed to: FTC/Office of the Secretary, Room 136, 6th St. and Pa. Ave. NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Paul Davis or Harold Kirtz, Atlanta Regional Office, Federal Trade Commission, 1718 Peachtree St., NW., Room 1000, Atlanta, Ga. 30367. (404) 347-4836.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Medical staff, Nurse-midwife, Trade practices.

Agreement Containing Consent Order to Cease and Desist

In the matter of Medical Staff of Memorial Medical Center, an unincorporated association.

The Federal Trade Commission, having initiated an investigation of certain acts and practices of the Medical Staff of Memorial Medical Center, and it now appearing that the Medical Staff of Memorial Medical Center, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between the Medical Staff of Memorial Medical Center, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent is organized and exists under and by virtue of the laws of the State of Georgia, with its mailing address at 4700 Waters Avenue, Savannah, Georgia 31404. The corporate bylaws of Memorial Medical Center provide that the Medical Staff shall operate as an integral part of the hospital.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint here attached.

3. Proposed respondent waives:

- a. Any further procedural steps;
- b. The requirement that the

Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this

agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that, once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that for purposes of this Order, the following definitions shall apply:

A. "The hospital" means Memorial Medical Center, Inc., its trustees, officers, representatives, agents, employees, successors and assigns.

B. "Respondent" means the respondent Medical Staff of Memorial Medical Center, its officers, committees, representatives, agents, employees, successors and assigns.

C. A "nurse-midwife" means a registered nurse who is authorized under Georgia state law to practice nurse-midwifery.

II

It is further ordered that respondent, directly or indirectly or through any device, in connection with its activities in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

A. Deciding or recommending to deny, limit or otherwise restrict hospital privileges for any nurse-midwife, without a reasonable basis for believing that the denial, limitation or restriction serves the interest of the hospital in providing for the efficient and competent delivery of health care services.

B. Refusing or threatening to refuse to deal with, or otherwise coercing or attempting to coerce, the hospital or any other person or entity for the purpose or with the effect or likely effect of restricting the practice of nurse-midwifery or of any nurse-midwife.

III

It is further ordered that, for a period of five years from the date of service of this Order, whenever a nurse-midwife applies for privileges at the hospital, within thirty (30) days after respondent takes any action with respect to such application, respondent shall provide the hospital's governing body with a written statement of respondent's action and its reasons therefor.

IV

It is further ordered that respondent shall act upon any reapplication for privileges within four months after receiving a complete application from any nurse-midwife who, since January 1,

1982, has formally or informally sought privileges at the hospital.

V

It is further ordered that:

A. Within thirty (30) days after the date of service of this Order, respondent shall provide a copy of this Order and of the Complaint in this proceeding to each officer of respondent and to each member of respondent who was an officer or a member on the date of service of this Order and, for a period of five (5) years after that date, provide a copy of such Order and Complaint to each person who applies or requests an application to become a member of respondent, at the time that each such person applies or requests an application;

B. Within ninety (90) days after the date of service of this Order, respondent shall file with the Commission a verified written report setting forth in detail the manner and form in which it has complied and is complying with this Order; and

C. In addition to the report required by section V(B), respondent shall file, one (1) year after the date of service of this Order and at such other times as the Commission may by written notice require, a written report setting forth in detail the manner and form in which respondent has complied and is complying with this Order.

VI

It is further ordered that respondent shall notify the Commission of any proposed change in its organization that may affect compliance obligations arising out of this Order at least thirty (30) days prior to the effective date of any such proposed change.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from the Medical Staff of Memorial Medical Center in Savannah, Georgia.

The proposed consent order has been placed on the public record for 60 days for reception of comments by interested persons. Comments received during this period will become part of the public record. After 60 days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the

agreement or make final the agreement's proposed order.

The complaint in this matter alleges that the Medical Staff unreasonably restrained trade in the provision of health care services. The Medical Staff, acting through its Credentials Committee, acted as a combination of the physician members or in conspiracy with some of those members when it denied to a certified nurse-midwife the hospital privilege to "perform spontaneous vaginal deliveries with a physician in attendance." There was no reasonable justification for the actions of the Credentials Committee in denying that privilege to the nurse-midwife. The results of the denial were the following, among others: (1) Consumers have been limited in their ability to choose among alternative types of health care providers competing on the basis of price and service; (2) physicians have been restricted from offering the services of nurse-midwives to their patients; and (3) nurse-midwives have been restrained from offering their services to patients and may be deterred from entering into practice in the Savannah, Georgia, area.

The order prohibits the Medical Staff from denying or restricting or from recommending to deny or restrict hospital privileges for any nurse-midwife, unless the Staff has a reasonable basis for believing that the denial or restriction serves the interest of the hospital in providing efficient and competent delivery of health care services. The order also prohibits the Medical Staff from refusing to deal with or coercing, or threatening or attempting to refuse to deal with or coerce, the hospital or any other person, organization, or institution where the purpose or effect is the restriction of the practice of nurse-midwifery generally or of any one nurse-midwife.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Benjamin I. Berman,
Acting Secretary.

[FR Doc. 88-1735 Filed 1-27-88; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 34

Regulation of Hybrid and Related Instruments

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period.

SUMMARY: On December 11, 1987, the Commodity Futures Trading Commission ("Commission" or "CFTC") published in the *Federal Register* an advance notice of proposed rulemaking concerning the regulation of hybrid and related instruments. 52 FR 47022 (December 11, 1987). The advance notice seeks comment concerning a proposed regulatory framework that would clarify the status of such instruments and permit, by exemption and subject to certain conditions, specified hybrid option instruments to be traded other than on a designated contract market. The advance notice also seeks comment concerning a proposed no-action position with respect to certain commercial commodity contracts. The advance notice provided a 60-day period for public comment, which will end February 9, 1988.

The Commission has been requested by the Board of Trade of the City of Chicago ("CBT"), the Chicago Mercantile Exchange, the Committee on Futures Regulation of the Association of the Bar of the City of New York, the Futures Industry Association ("FIA") (on behalf of the FIA and its members individually), and members of the private bar to extend the comment period on the Commission's advance notice of proposed rulemaking by sixty days. Such additional time has been requested in order to allow the above entities and practitioners to receive and analyze the comments of their memberships or to obtain the views of their clients on the issues raised by the Commission's advance notice. In this regard, the CBT noted that in light of the substantial time and resources that the industry has devoted to addressing issues arising out of the October stock market decline, an additional period of time for analysis and comment is warranted. The Commission agrees that a sixty-day extension of the public comment period is appropriate to enhance the opportunity for interested

parties to comment on the issues raised in the advance notice.

DATE: All comments on the Commission's advance notice of proposed rulemaking concerning the regulation of hybrid and related instruments (52 FR 47022 (December 11, 1987)) must be received by April 11, 1988.

ADDRESS: Comments should be sent to the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581.

FOR FURTHER INFORMATION CONTACT: Susan C. Ervin, Esq., Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone (202) 254-8955 or David R. Merrill, Esq., Assistant General Counsel, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, telephone (202) 254-8955.

Issued in Washington, DC on January 22, 1988.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 88-1731 Filed 1-27-88; 8:45 am]

BILLING CODE 6351-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-607, RM-6040]

Radio Broadcasting Services; Jesup and Swainsboro, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Bohanan Associated Broadcasters, Inc., licensee of Station WZKS(FM), Jesup, Georgia, which seeks to substitute Channel 252C1 for Channel 252A at Jesup, and to modify its Class A license accordingly. To provide for Channel 252C1 at Jesup, petitioner has also requested that Channel 251A be substituted for Channel 252A at Swainsboro, Georgia, and the license for Station WGKS(FM) modified to specify the new Class A channel.

DATES: Comments must be filed on or before March 14, 1988, and reply comments on or before March 29, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Gary S. Smithwick, Baraff, Koener, Olender, & Hochberg, P.C., 2033 M Street NW., Suite 203, Washington, DC 20036, (Attorney for petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-607, adopted December 22, 1987, and released January 20, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR 73

Radio broadcasting.
Federal Communications Commission.
Mark N. Lipp,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.
[FR Doc. 88-1689 Filed 1-27-88; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-606, RM-6023]

Radio Broadcasting Services; Rexburg, ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Tri County Radio Corporation, licensee of Station KKQT(FM), Rexburg, Idaho, which seeks to substitute Channel 251C2 for Channel 252A at Rexburg, and to modify its Class A license accordingly.

DATES: Comments must be filed on or before March 14, 1988, and reply comments on or before March 29, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: George M. Frese, P.E., 1011 Dennis Court, East Wenatchee, Washington 98801, (Consulting Engineer).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-606, adopted December 14, 1987, and released January 20, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.
Federal Communications Commission.
Mark N. Lipp,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.
[FR Doc. 88-1687 Filed 1-27-88; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-608, RM-6071]

Radio Broadcasting Services; Carlinville, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Jerrell A. Shepherd, proposing to allot Channel 240A to Carlinville, Illinois, a first FM service.

DATES: Comments must be filed on or before March 14, 1988, and reply comments on or before March 29, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Jerrell A. Shepherd, P.O. Box 430, 300 West Reed, Moberly, Missouri 65270, (Petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-608, adopted December 21, 1987, and released January 20, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission

consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-1693 Filed 1-27-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-600, RM-6117]

Radio Broadcasting Services; White Rock, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Torjaq Radio, Inc. proposing the substitution of Channel 266C2 for Channel 266A at White Rock, New Mexico, and the modification of its construction permit for a new station there to specify the higher powered channel. Channel 266C2 can be allocated to White Rock in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.5 kilometers (5.9 miles) northeast to avoid a short-spacing to the pending applications for Channel 267A at Albuquerque, New Mexico. In accordance with § 1.420(g) of the Commission's Rules, we shall not accept competing expressions of interest in use of Channel 266C2 at White Rock.

DATES: Comments must be filed on or before March 14, 1988, and reply comments on or before March 29, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David Tillotson, Esq., Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Avenue NW., Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-600, adopted December 21, 1987, and released January 20, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration of court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-1692 Filed 1-27-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-609, RM-6028]

Television Broadcasting Services; Grenada, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to allocate UHF Television 22+ to Grenada, Mississippi, in response to a petition filed by J. Boyd Ingram. The allotment could provide a first commercial television service to Grenada. There is a site restriction 20 kilometers (12.5 miles) northeast of the

community. Although there is currently a freeze on the filing of petitions for TV channels within the top 30 markets, Grenada is not affected by the freeze.

DATES: Comments must be filed on or before March 14, 1988, and reply comments on or before March 29, 1988.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

J. Boyd Ingram, P.O. Box 73, Batesville, Mississippi 38006.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-609, adopted December 21, 1987, and released January 20, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-1688 Filed 1-27-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73**[MM Docket No. 87-599, RM-6036]****Radio Broadcasting Services; Anna, IL****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document proposes to substitute Channel 243C2 for Channel 224A at Anna, Illinois, and to modify the Class A license for Station WRAJ(FM), accordingly, in response to a petition filed by the licensee, Union Broadcasting, Inc.

DATES: Comments must be filed on or before March 14, 1988, and reply comments on or before March 29, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John Joseph McVeigh, Fisher, Wayland, Cooper and Leader, 1255—23rd Street NW., Suite 800, Washington, DC 20037, (Attorney for petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-599, adopted December 14, 1987, and released January 20, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.
Federal Communications Commission.

Mark N. Lipp,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-1690 Filed 1-27-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73**[MM Docket No. 87-597, RM-5875]****Radio Broadcasting Services; Haysville, IN****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on a petition by Martin L. Hensley, proposing the allotment of FM Channel 277A to Haysville, Indiana, as that community's first FM broadcast service.

DATES: Comments must be filed on or before March 14, 1988, and reply comments on or before March 29, 1988.

ADDRESS: Federal Communications Commission Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Mr. Martin L. Hensley, 1655 Oliver Street, Evansville, Indiana (Petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-597, adopted December 14, 1987, and released January 20, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.
Federal Communications Commission.
Mark N. Lipp,
Chief, Allocations Branch, Mass Media Bureau.
[FR Doc. 88-1691 Filed 1-27-88; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73**[MM Docket No. 87-610, RM-5898]****Television Broadcasting Services; Bakersfield, CA****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on a petition by Gene Denari requesting the allotment of UHF television Channel 65 to Bakersfield, CA, as that community's fifth commercial television service.

As a result of a recent freeze the Commission has imposed on TV allotments, or applications therefor in specified metropolitan areas, such as Bakersfield, if Channel 65 is ultimately allotted to that community, as requested, the application process will be delayed until its availability is announced by the Commission.

DATES: Comments must be filed on or before March 14, 1988, and reply comments on or before March 29, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Jerrold Miller, Esq., Miller & Fields, P.C., P.O. Box 33003, Washington, DC 20033.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-610, adopted December 21, 1987 and released January 21, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.
Federal Communications Commission.
Mark N. Lipp,
Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.
[FR Doc. 88-1757 Filed 1-27-88; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 207, 210, 215 and 252

Department of Defense Federal Acquisition Regulation Supplement; Acquisition Streamlining

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule and request for comments.

SUMMARY: The Defense Acquisition Regulatory Council is considering changes to DFARS Parts 207, 210, 215 and 252 to implement proposed FAR coverage regarding acquisition streamlining which appeared in the *Federal Register* on Monday, January 4, 1988 (53 FR 101).

DATES: Comments on the proposed revisions to the DFARS should be

submitted in writing to the Executive Secretary, DAR Council, at the address shown below on or before March 4, 1988, to be considered in the formulation of the final rule. Please cite DAR Case 86-132D in all correspondence related to this issue.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Charles W. Lloyd, Executive Secretary, DAR Council, ODASD(P)/DARS, c/o OASD (P&L) (M&RS), Room 3D139, The Pentagon, Washington, DC 20301-3062.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, telephone (202) 697-7266.

SUPPLEMENTARY INFORMATION:

A. Background

The proposed amendments to DFARS 207.105, 210.001, 210.002(c), 210.004(a), 210.011, 215.608 and the provisions/ clauses in Part 252 are added to implement the FAR and DoDD 5000.43, Acquisition Streamlining. Acquisition Streamlining is any effort related to ensuring that only necessary and cost-effective requirements are included in solicitations and contracts. It applies not only to the design, development, and production of new systems, but also to modifications of existing systems that involve the redesign of systems or subsystems.

B. Regulatory Flexibility Act Information

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because the program primarily involves the engineering and design of systems and equipment which, ordinarily, is not accomplished by small businesses. Comments from small entities concerning the affected DFARS sections will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite DAR Case 88-610D.

C. Paperwork Reduction Act Information

The Paperwork Reduction Act (Pub. L. 96-511) does not apply because the proposed rule does not impose any additional recordkeeping requirements or information collection requirements or collection of information from offerors, contractors, or members of the

public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 207, 210, 215 and 252

Government procurement.
Charles W. Lloyd,
Executive Secretary, Defense Acquisition
Regulatory Council.

Therefore, 48 CFR Parts 207, 210, 215 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 207, 210, 215 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 207—ACQUISITION PLANNING

2. Section 207.105 is amended by adding paragraph (a)(8) to read as follows:

207.105 Contents of written acquisition plans.

* * * * *

(a) *Acquisition background and objectives.*

* * * * *

(8) *Acquisition streamlining.* Policy direction on acquisition streamlining is contained in DoDD 5000.43 and Part 210 of this regulation. See MIL-HDBK 248 for guidance on streamlining performance requirements, the technical package, and the contract strategy.

PART 210—SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

3. Section 210.001 is amended by adding the following definitions:

210.001 Definitions.

* * * * *

"Systems," as used in this part, means a combination of elements that will function together to produce the capabilities required to fulfill a mission need.

"System acquisition," as used in this part, means the design, development and production of new systems or the modification to existing systems that involve redesign of the system or subsystems.

4. Section 210.002 is amended by adding paragraph (c) to read as follows:

210.002 Policy.

(c) All systems acquisition programs in the DoD are subject to acquisition streamlining policies and procedures as

specified in DoD Directive 5000.43 and MIL-HDBK 248.

(1) Requirements that are not mandated by law or established DoD policy and that do not contribute to the operational effectiveness and suitability of the system, or effective management of its acquisition, operation, or support, shall be excluded.

(2) At the outset of development, system-level requirements shall be specified in terms of mission-performance, operational effectiveness, and operational suitability.

(3) During all acquisition phases, solicitations and contracts shall state management requirements in terms of results needed rather than "how-to-manage" procedures for achieving those results.

(4) The Government program manager shall have the authority and be held accountable for determining what requirements should be incorporated in the contract, subject to appropriate review by the established DoD and cognizant DoD component review procedures.

5. Section 210.004 is amended by adding paragraph (a)(3) to read as follows:

210.004 Selecting specifications or descriptions for use.

(a)(3) Statements of work subject to acquisition streamlining shall state whether individual specifications, standards, and related documents are provided for guidance only or as firm requirements. Where contract documents are specified for guidance only, the contractor shall be required to evaluate the documents in relation to the performance requirements and to recommend a tailored application of the documents for any subsequent phase of the system acquisition program. While there may be some mandatory design or performance requirements applied to a single phase or through the acquisition cycle, the citation of specifications, standards, and related documents shall:

(i) Specify results desired, rather than "how-to-design" or "how-to-manage."

(ii) Be tailored to the unique circumstances of individual acquisition programs.

(iii) Be for guidance only, except as provided in paragraph (a)(3)(v) of this section, if included for acquisition programs prior to entering the full-scale development phase of their life cycle.

(iv) Be for mandatory compliance only for directly cited and first tier referenced documents, except as provided in paragraph (a)(3)(v) of this section, for acquisition programs in the full-scale development phase of their life cycle. All other reference documents second tier and below shall be for guidance only.

(v) Be for mandatory compliance including all levels of referenced documents, if they (A) define the product baseline for acquisition programs in the production phase; (B) call for nondevelopmental items, such as standard parts or off-the-shelf items; or (C) cover design constraints which have been directed and have been tailored to the maximum extent practicable.

(4) If the contractor is to evaluate and recommend tailored application for a subsequent phase, the contract statement of work must delineate the effort required.

6. Section 210.011 is amended by adding paragraph (S-73) to read as follows:

210.011 Solicitation provisions and contract clauses.

(S-73) The contracting officer shall insert the clause, at 252.210-7005, Acquisition Streamlining, in solicitations and contracts for system acquisition programs (see 210.002).

PART 215—CONTRACTING BY NEGOTIATION

7. Section 215.608 is amended by adding paragraph (S-70) to read as follows:

215.608 Proposal evaluation.

(S-70) When a procurement is subject to acquisition streamlining, the contracting officer may want to include in the solicitation evaluation criteria on cost-performance trade-offs, application/tailoring recommendations, and cost-effectiveness of the proposed technical approach.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

8. Section 252.210-7005 is added to read as follows:

252.210-7005 Acquisition streamlining.

As prescribed in 210.011 (S-73), insert the following clause:

Acquisition Streamlining (Jan 1988)

(a) It is the objective of the Government to acquire systems that meet stated performance requirements. The Government also desires to avoid over-specification and to ensure that cost-effective requirements are included in future acquisitions. The Contractor shall prepare and submit acquisition streamlining recommendations in accordance with the statement of work of this contract. These recommendations shall be formatted and submitted as identified in the contract data requirements list (CDRL). However, recommendations may be accepted, modified or rejected by the Government.

(b) The Contractor shall insert this clause, including this paragraph (b), in all subcontracts in excess of one million dollars (\$1 million).

(End of clause)

[FR Doc. 88-1730 Filed 1-27-88; 8:45 am]

BILLING CODE 3810-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 514 and 515

[GSAR Notice No. 5-180]

Acquisition Regulation; Use of SF-30 for Additional Awards to an Offeror Under a Single Solicitation

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) which would add §§ 514.407-1 and 515.414 to prescribe the Standard Form 30, Amendment of Solicitation/Modification of Contract, for use in making additional awards to an offeror under a single solicitation and to provide the regulatory citation for such awards. The intended effect is to provide uniform procedures for contracting under the regulatory system.

DATE: Comments are due in writing on or before February 29, 1988.

ADDRESS: Requests for a copy of the proposal and comments should be addressed to Ms. Marjorie Ashby, Office of GSA Acquisition Policy and Regulations, 18th and F Streets NW., Room 4024, Washington, DC 20405, (202) 523-3822.

FOR FURTHER INFORMATION CONTACT:

Ms. Ida M. Ustad, Office of GSA Acquisition Policy and Regulations, 18th

and F Streets NW., Room 4026, Washington, DC 20405, (202) 566-1224.

SUPPLEMENTARY INFORMATION: The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain procurement regulations from Executive Order 12291. The exemption applies to this proposed rule. The GSA certifies that the document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The rule simply clarifies a procedural matter relating to the form used when making additional contract awards to an offeror under one solicitation. Therefore, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under (44 U.S.C. 3501 et seq.).

List of Subjects in 48 CFR Parts 514 and 515

Government procurement.

Dated: January 15, 1988.

Ida M. Ustad,
Director, Office of GSA Acquisition Policy
and Regulations.

[FR Doc. 88-1715 Filed 1-27-88; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 87-14; Notice 1]

Evaluation Report on Occupant Protection in Frontal Interior Impact; Federal Motor Vehicle Safety Standards; Occupant Protection in Interior Impact; Request for Comments

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for comments.

SUMMARY: This notice announces the publication by NHTSA of an Evaluation Report concerning Safety Standard No. 201, *Occupant Protection in Interior Impact*. This staff report evaluates safety effectiveness and benefits of improvements to instrument panel padding and structures in passenger cars and light trucks. The report was developed in response to Executive Order 12291, which provides for

Government-wide review of existing major Federal regulations. The agency seeks public review and comment on this evaluation. Comments received will be used to complete the review required by Executive Order 12291.

DATE: Comments must be received no later than April 27, 1988.

ADDRESSES: Interested persons may obtain a copy of the report free of charge by sending a self-addressed mailing label to Ms. Glorious Harris (NAD-51), National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. All comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. [Docket hours, 8:00 a.m.-4:00 p.m., Monday through Friday.]

FOR FURTHER INFORMATION CONTACT: Mr. Frank G. Ephraim, Director, Office of Standards Evaluation, Plans and Policy, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street SW., Washington, DC 20590 (202-366-1574).

SUPPLEMENTARY INFORMATION: Standard No. 201, *Occupant Protection in Interior Impact*, (49 CFR 571.201) regulates the performance of certain vehicle interior surfaces in a crash, specifying impact tests or requiring padding for instrument panels, seat backs, sun visors, armrests and glove compartment doors. Standard No. 201 took effect for passenger cars on January 1, 1968 and was extended to light trucks, vans and multipurpose passenger vehicles on September 1, 1981. During the 1960's and early 1970's, the manufacturers modified instrument panels of cars and light trucks: for example, they installed padding, reduced the rigidity of panel structures and extended the panel downward and toward the passenger.

Pursuant to Executive Order 12291, NHTSA recently conducted an evaluation of the effect of instrument panel design on the casualty risk of unrestrained right front passengers in frontal impacts. The objectives were to determine the effectiveness of technology selected by automobile manufacturers in preventing fatalities and injuries and to determine the benefits of the technology to consumers. Under the Executive Order, agencies are to review existing regulations to determine whether the regulations are

achieving the Order's policy goals, i.e., achieving legislative goals effectively and efficiently and without imposing any unnecessary burdens on those affected. This evaluation is an analysis of the effectiveness and benefits of instrument panel improvements in passenger cars and light trucks.

The evaluation is based on statistical analyses of Fatal Accident Reporting System, National Crash Severity Study and National Accident Sampling System data and computer simulations of occupants impacting the instrument panel in frontal crashes.

The principal findings and conclusions of this study are the following:

- The instrument panel improvements of the 1965-75 era reduced fatality risk and serious injury risk by about 25 percent for unrestrained right front passengers of cars in frontal crashes. Little change occurred after the mid 1970's.

- The 1965-75 instrument panel improvements in passenger cars may be saving 400-700 lives per year in frontal crashes.

- A preliminary analysis of fatal accident data on light trucks indicates close to 25 percent reduction of fatality risk between model years 1968 and 1976, for unrestrained right front passengers in frontal crashes. Little change occurred after 1977. Many of the instrument panel improvements in light trucks were implemented in the 1968-76 period. The accident data on nonfatal injuries, however, do not show a similar reduction in those model years.

NHTSA welcomes public review of the evaluation report and invites the public to submit comments.

It is requested but not required that 10 copies of comments be submitted.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.50 and 501.8.)

Issued on January 25, 1988.

Adele Derby Spielberger,
Associate Administrator for Plans and Policy.
[FR Doc. 88-1728 Filed 1-27-88; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register

Vol. 53, No. 18

Thursday, January 28, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

National Commission on Dairy Policy; Advisory Committee Meeting

Pursuant to provisions of Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), a notice is hereby given of the following committee meeting.

NAME: National Commission on Dairy Policy.

TIME AND PLACE: 8:00 a.m. at the Sheraton National Hotel, Columbia Pike and Washington Blvd., Arlington, Virginia.

STATUS: Open.

MATTERS TO BE CONSIDERED: On February 1, 2, and 3 the Commission will continue the process of drafting recommendations.

Written Statements May be Filed Before or After the Meeting With: Contact person named below.

CONTACT PERSON FOR MORE INFORMATION: Mr. T. Jeffrey Lyon, Assistant Director, National Commission on Dairy Policy, 1401 New York Ave., NW, Suite 1100, Washington, D.C. 20005, (202) 638-6222.

Signed at Washington, D.C., this 26th day of January 1988.

David R. Dyer,

Executive Director, National Commission on Dairy Policy.

[FR Doc. 88-1898 Filed 1-27-88; 8:45 am]

BILLING CODE 3410-05-M

Forms Under Review by Office of Management and Budget

January 22, 1988.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C.

Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, DC 20250, (202) 447-2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Agricultural Stabilization and Conservation Service Application for ASCS County Employment ASCS-675 On occasion Individuals or households; 14,000 responses; 14,000 hours; not applicable under 3504(h) Donald Samuels (202) 447-7517

Revision

- Food and Nutrition Service Negative Quality Control Review Schedule, Statistical Summary of Sample Distribution, Status of Sample Selection and Completion FNS-245; -247 and -248

Recordkeeping; On occasion; Monthly; Annually

Individuals or households; State or local governments; 31,774 responses, 94,376 hours; not applicable under 3504(h)

Nancy Theodore (703) 756-3469

Larry K. Roberson,

Acting Departmental Clearance Officer.

[FR Doc. 88-1751 Filed 1-27-88; 8:45am]

BILLING CODE 3410-01-M

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of revision of Privacy Act System of Records.

SUMMARY: An important provision of the Debt Collection Act of 1982 (Pub. L. No. 97-365) authorizes a Federal employee's salary to be offset to satisfy debts owed the Government. To implement a salary offset program which allows the Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA) to offset salaries to collect delinquent debts owed to Agricultural Stabilization and Conservation Service/Commodity Credit Corporation (ASCS/CCC) by Federal employees, ASCS, USDA must participate in a computer match of its claims data base system of records against Federal agency payroll files. This match, which will be conducted in accordance with OMB's Revised Supplemental Guidelines for Conducting Matching Programs (47 FR 21656, May 19, 1982), will identify delinquent debtors who are current or former Federal employees and who are indebted to (ASCS/CCC). The match will be performed by the Defense Manpower Data Center (DMDC), Department of Defense (DOD) and during the matching process certain information concerning ASCS/CCC delinquent debtors will be disclosed to DMDC, DOD. Therefore, USDA hereby provides notice of intent to disclose to the Defense Manpower Data Center, Department of Defense, certain information on delinquent debts in the

USDA/ASCS-28 Privacy Act system of records, entitled "Claims Data Base (Automated) USDA/ASCS".

EFFECTIVE DATE: This notice will be adopted without further publication in the *Federal Register* on February 29, 1988, unless modified by a subsequent notice to incorporate comments received from the public. Any interested party may submit written comments about the revision to the system of records to the contact person listed below on or before February 29, 1988.

FOR FURTHER INFORMATION CONTACT: Kathleen A. Donaldson, Department of Agriculture, Agricultural Stabilization and Conservation Service (ASCS), Fiscal Division, P.O. Box 2415, Washington, DC 20013, telephone (202) 447-4048.

SUPPLEMENTARY INFORMATION: The ASCS, USDA, in coordination with other Federal agencies, plans to participate in a computer matching program of its claims data base system of records against Federal agency payroll files to identify delinquent debtors who are current or former Federal employees. This matching program is a procedure involving the use of a computer to compare a substantial number of records in a Federal system of records with records in one or more other systems of records.

The claims data base system contains data on delinquent debts of agricultural producers. The purpose of this system is to provide ASCS Fiscal Division with the necessary information to ensure collection of the overdue debts of agricultural producers. Maintenance and use of this system is intended to increase the efficiency of the Fiscal Division in collecting these overdue debts.

By enacting the Debt Collection Act, Congress acted to "increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts." An important provision of that Act authorizes a Federal employee's salary to be offset to satisfy debts owed the Government.

Since the ASCS claims data base system of records presently does not contain a routine use statement that meets OMB guidelines for computer match operations, a new routine use statement must be added in order to disclose information for the matches

and to use information generated by the matches.

A "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which the record was collected. The purpose of this proposed routine use is to permit the release of limited information about delinquent debtors, such as name, social security number, delinquent amount, and claim number, for use in the proposed computer matching program. The ASCS, USDA will be the source agency and the Defense Manpower Center, Department of Defense, will be the matching agency under this computer matching program.

In accordance with requirements of the Debt Collection Act and USDA implementing regulations, the creditor agency, ASCS, USDA, will notify the debtor of his/her due process rights with respect to the debt and give the individual the opportunity to resolve the claim through repayment of the debt on an installment basis before salary offset is initiated.

The computer matches will be conducted in accordance with OMB's Revised Supplemental Guidelines for Conducting Matching Programs (47 FR 21656, May 19, 1982). The USDA has signed an agreement with the matching agency requiring that the information disclosed by USDA under this computer matching program be used only for making computer matches and compiling statistical data about the results of any match. The parties have also agreed to safeguard the information provided from unauthorized disclosure.

This proposed routine use is compatible with the USDA purpose of providing the ASCS Fiscal Division with information necessary to ensure efficient collection of overdue debts of agricultural producers. It also is compatible with the authority provided at section 5 of the Debt Collection Act.

The following routine use is being added to the system of records, USDA/ASCS-28 entitled "Claims Data Base [Automated] USDA/ASCS" last published at 51 FR 46697, December 24, 1986.

USDA/ASCS-28

System Name:

Claims Data Base (Automated),
USDA/ASCS.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

(8) Referral of information regarding indebtedness to the Defense Manpower Data Center, Department of Defense, for the purpose of conducting computer matching programs to identify and locate individuals receiving Federal salary or benefit payments and who are delinquent in their repayment of debts owed to the U.S. Government under certain programs administered by ASCS/CCC in order to collect debts under the provisions of the Debt Collection Act of 1982 (Pub. L. No. 97-365) by voluntary repayment, administrative or salary offset procedures, or by collection agencies.

* * * * *

Signed at Washington, DC on January 22, 1988.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 88-1749 Filed 1-27-88; 8:45 am]

BILLING CODE 3410-05-M

Soil Conservation Service

Calvary Run (CAT) RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Calvary Run CAT RC&D Measure, Mahoning County, Ohio.

FOR FURTHER INFORMATION CONTACT:

Roger A. Hansen, Acting State Conservationist, Soil Conservation Service, Federal Building, 200 North High Street, Room 522, Columbus, Ohio 43215, telephone: (614)-469-6962.

SUPPLEMENTARY INFORMATION:

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impact on the environment. As a result of these findings, Roger A. Hansen, Acting State

Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

This measure concerns a plan for critical area treatment along approximately 675 feet of severely eroding creek bank on Calvary Run. Planned works of improvement include the installation of gabions along the streambank and the seeding of eroding areas to suitable grasses.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Roger A. Hansen.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development Program—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with state and local officials.)

Roger A. Hansen,
Acting State Conservationist.

January 21, 1988.

[FR Doc. 88-1717 Filed 1-27-88; 8:45 am]

BILLING CODE 3410-16-M

ARMS CONTROL AND DISARMAMENT AGENCY

The President's General Advisory Committee on Arms Control and Disarmament; Closed Meeting

In accordance with the Federal Advisory Committee Act, as amended, the U.S. Arms Control and Disarmament Agency announces the following Presidential Committee meeting:

Name: General Advisory Committee on Arms Control and Disarmament

Date: February 16-17, 1988

Time: 9:00 a.m.

Place: State Department Building, Washington, DC

Type of Meeting: Closed

Contact: Colonel William C. Golbitz, General Advisory Committee on Arms Control and Disarmament, Room 5927, Washington, DC 20451 (202) 647-5178

Purpose of Advisory Committee: To advise the Director of the U.S. Arms Control and Disarmament Agency on arms control and disarmament policy and activities, and from time to time advise the President and Secretary of State respecting matters affecting arms control, disarmament, and world peace.

Agenda: The Committee will review the status of START, strategic defenses, verification issues, conventional force reductions and stability, and non-nuclear force modernization, and, will hold executive sessions.

Reason for Closing: The GAC members will be reviewing and discussing matters specifically required by Executive Order to be kept secret in the interest of national defense and foreign policy.

Authority to Close Meeting: The closing of this meeting is in accordance with a determination by the Director of the Arms Control and Disarmament Agency dated April 1, 1987, made pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act as amended.

William J. Montgomery,
Committee Management Officer.
[FR Doc. 88-1740 Filed 1-27-88; 8:45 am]
BILLING CODE 6820-32-M

COMMISSION ON CIVIL RIGHTS

Arkansas Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Arkansas Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 3:30 p.m., on February 9, 1988, at the Camelot Hotel, Markham and Broadway, Little Rock, Arkansas. The purpose of the meeting is to conduct orientation for a newly rechartered Advisory Committee and conduct program planning for the balance of FY 1988.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Alan Patteson, Jr., or Melvin Jenkins, Director of the Central Regional Division (816) 374-5253, (TDD 816/374-5009). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, January 21, 1988.

Susan J. Prado,
Acting Staff Director.

[FR Doc. 88-1707 Filed 1-27-88; 8:45 am]

BILLING CODE 6335-01-M

Indiana Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 9:00 a.m. and adjourn at 12:30 p.m., on February 4, 1988, at the Hyatt Regency, 1 South Capitol, Indianapolis, Indiana. The purpose of the meeting is to conduct orientation for a newly rechartered Advisory Committee and conduct program planning for the balance of FY 1988.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Professor William F. Harvey, or Melvin Jenkins, Director of the Central Regional Division (816) 374-5253, (TDD 816/374-5009). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, January 21, 1988.

Susan J. Prado,
Acting Staff Director.

[FR Doc. 88-1708 Filed 1-27-88; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: 1988 National Census Test
Form Number: Agency—S-575 thru S-580; OMB—NA
Type of Request: New collection

Burden: 16,200 respondents; 12,150 reporting hours

Needs and Uses: This survey is a component of the Questionnaire Design Project, and will be used to refine the question wording, layout, and instructions for census questionnaires which will be administered to the entire population.

Affected Public: Individuals or households

Frequency: One time

Respondent's Obligation: Voluntary
OMB Desk Officer: Francine Picoult, 395-7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC 20503.

Dated: January 22, 1988.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 88-1785 Filed 1-27-88; 8:45 am]

BILLING CODE 3510-07-M

Export Administration

Export Privilege; Enschede S.A.R.L.

In the matter of: Enschede S.A.R.L., 12-14 d'Avranches Boulevard, L-1160 Luxembourg, G.D. Luxembourg, Respondent.

Order

The Office of Export Enforcement, United States Export Administration,¹ United States Department of Commerce (Department), having determined to initiate an administrative proceeding against Enschede S.A.R.L. (Enschede), pursuant to Section 13(c) of the Export Administration Act of 1979, as amended

(50 U.S.C. app. sections 2401-2420 (1982 and Supp. III 1985)) and Part 388 of the Export Administration Regulations (currently codified at 15 CFR Parts 368 through 399 (1987)) (the Regulations), based on allegations that Enschede violated §§ 387.3, 387.4 and 387.6 of the Regulations in that, between December 1983 and January 1986, Enschede reexported 10 shipments, and attempted reexport one shipment, of U.S.-origin computers and related peripheral equipment from Luxembourg to Bulgaria or Poland, knowing that the required reexport authorization had not been obtained;

The Department and Enschede having entered into a Consent Agreement whereby the parties have agreed that this matter will be settled: (1) By Enschede paying to the Department a civil penalty in the amount of \$80,000; and (2) by a denial to Enschede of all privileges of participating, directly or indirectly, in any transaction which requires a validated license or reexport authorization, for a period of two years following the date of entry of this order, and

The terms of the Consent Agreement having been approved by me;

It is therefore ordered, first, Enschede shall pay to the Department a civil penalty in the amount of \$80,000. Payment of \$20,000 is suspended pursuant to § 388.16(c) of the Regulations for two years from the date of this order, provided Enschede has committed no violation of the Act, the Regulations, or this order. Payment of \$60,000 of the civil penalty will be made to the Department, as follows: (1) Payment of \$2,500 shall be made within 20 days of service of this Order; (2) payment of the balance, \$57,500, shall be made in 23 equal installments of \$2,500 each, due on or before the first of each month, beginning March 1, 1988 and continuing until January 1, 1990. Each payment shall be made in the manner specified in the attached instructions.

Second, Enschede is denied export privileges as follows:

A. For a period of two years following the date of entry of this Order, Enschede is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction which requires a validated export license or reexport authorization from the

Department, except as provided in subparagraph C. herein.

B. Without limiting the generality of the foregoing paragraph, participation prohibited in any such transaction, either in the United States or abroad, shall include, but not be limited to, participation: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated export license; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities to technical data, in whole or in part, exported or to be exported from the United States, and subject to the Regulations, and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations and which require a validated export license.

C. The last 18 months of the two-year denial period set forth in subparagraph A. above will be suspended pursuant to § 388.16(c) of the Regulations, six months after the date of entry of this order. The suspended portion of the denial period will be waived at the end of the two-year period, provided that Enschede has committed no further violation of the Act, the Regulations or this order.

D. Such denial of export privileges shall extend solely to Enschede, its licensees, assignees and successors.

Third, that the proposed Charging Letter, the Consent Agreement and this order shall be made available for public inspection.

This order is effective immediately.

Entered this 11th day of January, 1988.

William V. Skidmore,

Acting Deputy Assistant Secretary for Export Enforcement.

[FR Doc. 88-1701 Filed 1-27-88; 8:45 am]

BILLING CODE 3510-25-M

¹ On October 1, 1987, in accordance with the pertinent provisions of the Export Administration Act of 1979, as amended and a Departmental directive from Bruce Smart, Acting Secretary of Commerce, implementing those provisions, the Office of Export Enforcement was moved within the Department from the International Trade Administration of the United States Department of Commerce to the United States Export Administration of the United States Department of Commerce.

International Trade Administration
[C-469-702 and C-475-702]

Extension of the Deadline Dates for the Final Countervailing Duty, Determinations and Postponement of the Public Hearings; Certain, Granite Products from Spain and Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: Based upon the request of the petitioner in these investigations, we are extending the deadline date for the final determinations to correspond to the date of the final determinations in the antidumping duty investigations of the same products pursuant to section 705(a)(1) of the Tariff Act of 1930 (the Act), as amended [19 USC 1671d(a)(1)]. These final determinations are now due not later than May 9, 1988. Pursuant to U.S. obligations under the Agreement on Interpretation and Application of Articles VI, XVI and XXIII of the GATT (the Subsidies Code), the Department will terminate the suspension of liquidation in the Spanish investigation 120 days after the date of publication of the preliminary countervailing duty determination. This action does not apply to the Italian investigation since the preliminary determination was negative and no provisional measures were imposed. In addition, we are postponing the hearing date originally scheduled for both investigations.

EFFECTIVE DATE: January 28, 1988.

FOR FURTHER INFORMATION CONTACT:

Loc Nguyen (Spain), Mark Linscott (Italy) or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377-0167 (Nguyen), 377-8330 (Linscott) or 377-2438 (Tillman).

SUPPLEMENTARY INFORMATION: On December 18, 1987, we issued a preliminary affirmative countervailing duty determination in the Spanish investigation (52 FR 48737, December 24, 1987). On the same date, we issued a preliminary negative countervailing duty determination in the Italian investigation (52 FR 48732, December 24, 1987). On December 30, 1987, in accordance with section 705(a)(1) of the Act, as amended, we received a request from the petitioner, the Ad Hoc Granite

Trade Group, to extend the deadline date for the final countervailing duty determinations to correspond to the date of the final determinations in the antidumping duty investigations of the same products from Spain and Italy. Accordingly, we are granting an extension of the deadline date for the final determinations in these investigations from March 2, 1988, to no later than May 9, 1988.

To comply with the requirements of Article 5, paragraph 3 of the Subsidies Code, the Department will direct the U.S. Customs Service to terminate the suspension of liquidation in the Spanish investigation on April 22, 1988, which is 120 days from the date of publication of the preliminary determination. No cash deposits or bonds for potential countervailing duties will be required for merchandise which enters on or after April 22, 1988. The suspension of liquidation will not be resumed unless and until the Department publishes a countervailing duty order in this case. We will also direct the U.S. Customs Service to hold any entries suspended from December 24, 1987, through April 21, 1988, until the conclusion of this investigation. This paragraph does not apply to the Italian investigation since the preliminary determination was negative and no provisional measures were imposed.

In addition, due to the extension of the final determinations in these investigations, we have postponed the date of the public hearings originally scheduled for February 2, 1988. They will be rescheduled if a request for a public hearing for each is received by the Department no later than February 5, 1988. Individuals who wish to participate in the hearings must submit a request to the Assistant Secretary for Import Administration, Room B-099, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, at least 10 copies of the business proprietary version and five copies of the public version of the pre-hearing briefs must be submitted to the Assistant Secretary seven days prior to the hearing date. Oral presentations will be limited to issues raised in the briefs.

In accordance with 19 CFR 355.33(d) and 19 CFR 355.34, written views will be considered if received not less than 30 days before the final determinations or, if hearings are held, within 10 days after the hearing transcripts are available.

This notice is published pursuant to section 705(a)(1) of the Act.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

January 22, 1988.

[FR Doc. 88-1791 Filed 1-27-88; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-004]

Certain Stainless Steel Products From Brazil; Final Results of Changed Circumstances; Administrative Review and Termination of Suspended Countervailing Duty Investigation

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of final results of changed circumstances administrative review and termination of suspended countervailing duty investigation.

SUMMARY: On October 27, 1987, the Department of Commerce published the preliminary results of its changed circumstances administrative review of the suspended countervailing duty investigation on certain stainless steel products from Brazil and announced its tentative determination to terminate the suspended investigation. We determine that the domestic interested parties are no longer interested in maintaining the suspended investigation, and we are terminating the investigation. The review covers the period from January 1, 1987.

EFFECTIVE DATE: January 1, 1987.

FOR FURTHER INFORMATION CONTACT:

Christopher Beach or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On October 27, 1987, the Department of Commerce ("the Department") published in the Federal Register (52 FR 41314) the preliminary results of its changed circumstances administrative review and its tentative determination to terminate the suspended

countervailing duty investigation on certain stainless steel products from Brazil (48 FR 4703, February 2, 1983). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of Brazilian certain stainless steel products, limited to hot-rolled stainless steel bars, cold-formed stainless steel bars and stainless steel wire rod. Such merchandise is currently classifiable under items 606.9005, 606.9010, 607.2600, (if tempered, treated or partly manufactured, 607.4300) of the Tariff Schedules of the United States Annotated. The review covers the period from January 1, 1987.

Final Results of Review and Termination

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to terminate. We received no comments.

As a result of our review, we determine that the domestic interested parties are no longer interested in maintaining the suspension agreement on certain stainless steel products from Brazil and that the suspended investigation should be terminated on this basis effective January 1, 1987.

This administrative review, termination, and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b) and (c)) and 19 CFR 355.41, 355.42.

Date: January 22, 1988.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 88-1792 Filed 1-27-88; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-006]

Certain Tool Steel Products From Brazil; Final Results of Changed Circumstances; Administrative Review and Termination of Suspended Countervailing Duty Investigation

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of Final Results of Changed Circumstances Administrative Review and Termination of Suspended Countervailing Duty Investigation.

SUMMARY: On October 27, 1987, the Department of Commerce published the preliminary results of its changed circumstances administrative review of the suspended countervailing duty investigation on certain tool steel products from Brazil and announced its tentative determination to terminate the suspended investigation. We determine that the domestic interested parties are no longer interested in maintaining the suspended investigation, and we are terminating the investigation. The review covers the period from January 1, 1987.

EFFECTIVE DATE: January 1, 1987.

FOR FURTHER INFORMATION CONTACT: Christopher Beach or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On October 27, 1987, the Department of Commerce ("the Department") published in the *Federal Register* (52 FR 41315) the preliminary results of its changed circumstances administrative review and its tentative determination to terminate the suspended countervailing duty investigation on certain tool steel products from Brazil (48 FR 11731, March 212, 1983). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of Brazilian certain tool steel products, limited to hot-finished tool steel, cold-finished tool steel, high speed tool steel, chipper knife tool steel and band saw steel bars and rods. Such merchandise is currently classifiable under items 606.9300, 606.9400, 606.9505, 606.9510, 606.9520, 606.9525, 606.9535, 606.9540, 607.2800, 607.3405, 607.3420, 607.4600, 607.5404, and 607.5420 of the Tariff Schedules of the United States Annotated. The review covers the period from January 1, 1987.

Final Results of Review and Termination

We gave interested parties an opportunity to comment on the preliminary results and tentative determination. We received no comments.

As a result of our review, we determine that the domestic interested parties are no longer interested in maintaining the suspension agreement on certain tool steel products from Brazil and that the suspended investigation should be terminated on this basis effective January 1, 1987.

This administrative review, termination, and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b) and (c)) and 19 CFR 355.41 and 355.42.

Dated: January 22, 1988.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 88-1793 Filed 1-27-88; 8:45 am]

BILLING CODE 3510-DS-M

Automated Manufacturing Equipment Technical Advisory Committee; Open Meeting

A meeting of the Automated Manufacturing Equipment Technical Advisory Committee will be held February 10, 1988, 9:30 a.m., Herbert C. Hoover Building, Room B-841, 14th Street & Constitution Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to automated manufacturing equipment and related technology.

Agenda

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of Numerically Controlled Machines.
4. Discussion of Programmable Controllers.
5. Discussion of TAC Committee Communications.
6. Discussion of CAD/CAM Software.
7. Discussion of Shop Floor Computers/Controllers.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. It is critical that this Committee meet on short notice to solicit comments from the public of the effect on U.S. industry of proposed changes to the Commodity

Control involving the level of control of numerical control units. It is also important that the Committee discuss wide usage of personal computers and low level communications systems in the shops.

For further information or copies of the minutes, call Betty Ferrell at 202/377-4959.

Dated: January 22, 1988.

Betty Anne Ferrell,

*Acting Director, Technical Support Staff,
Office of Technology and Policy Analysis.*
[FR Doc. 88-1722 Filed 1-27-88; 8:45 am]

BILLING CODE 3510-DT-M

Laser and Opto-Electronic Subcommittee, Electronic Instrumentation Technical Advisory Committee; Open Meeting

A meeting of the Laser and Opto-Electronic Subcommittee of the Electronic Instrumentation Technical Advisory Committee will be held February 17 and 18, 1988, Herbert C. Hoover Building, 14th and Constitution Avenue NW., Washington, DC. The February 17 meeting will convene in Room B-841 at 9:30. The February 18 meeting will continue to its conclusion in Room B-841 of the Herbert C. Hoover Building.

The Subcommittee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to lasers and related equipment and technology.

Agenda

1. Opening Remarks by the Chairman.
2. Public discussion on any matters related to activities of the Laser and Opto-Electronic Subcommittee of the Electronic Instrumentation Technical Advisory Committee.

Comments should consider the need for revision (strengthening, relaxation or decontrol) of the current regulations based on technological trends, foreign availability and national security.

The subcommittee is also interested in proposals for revision of The People's Republic of China guidelines and G-COM regulations relating to CCL numbers 1522A lasers; 1556A optical devices; and 1548A photo devices.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Subcommittee.

Written statements may be submitted at any time before or after the meeting and can be directed to: Technical Support Staff, Office of Technology & Policy Analysis, Room 4086, 14th Street and Constitution Avenue NW., Washington, DC 20230.

For further information or copies of the minutes contact Betty A. Ferrell, 202/377-2583.

Dated: January 22, 1988.

Betty Anne Ferrell,

*Acting Director, Technical Support Staff,
Office of Technology & Policy Analysis.*
[FR Doc. 88-1723 Filed 1-27-88; 8:45 am]

BILLING CODE 3510-DT-M

Semiconductor Technical Advisory Committee; Open Meeting

A meeting of the Semiconductor Technical Advisory Committee will be held February 17, 1988, at 9:30 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC.

The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to semiconductors and related equipment or technology.

Agenda

1. Opening remarks by the Chairman.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. Discussion of Computer Aided Design (CAD).
5. Discussion of Semiconductor/Electronic Instrumentation Proposal.
6. Discussion of Plan for Commodity Control List Review.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

For further information or copies of the minutes call Ruth D. Fitts, 202-377-4959.

Dated: January 22, 1988.

Betty Anne Ferrell,

*Acting Director, Technical Support Staff,
Office of Technology and Policy Analysis.*
[FR Doc. 88-1724 Filed 1-27-88; 8:45 am]

BILLING CODE 3510-DT-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Hearing

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of a public hearing.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a public hearing on the potential impact on penaeid shrimp and red drum resources and fisheries of the U.S. Army Corps of Engineers' proposal to widen and deepen the Houston and Galveston ship channels. The proposal is contained in the Corps' "Final Feasibility Report and Environmental Impact Statement" for the Galveston Bay Area navigation Study (GBANS).

DATES: The hearing will be held on February 24, 1988, from 7:00 p.m. to 11:00 p.m.

ADDRESSES: The hearing will be held at the University of Houston Clear Lake Auditorium, 2700 Bay Area Boulevard, Houston, TX.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa FL 36609, (813) 228-2815.

Dated: January 25, 1988.

Richard H. Schaefer,

*Acting Director, Office of Fisheries
Conservation and Management, National
Marine Fisheries Service.*

[FR Doc. 88-1766 Filed 1-27-88; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of Bangladesh

January 25, 1988.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 29, 1988. For further information contact Anne Novak, International Trade

Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the previously established import restraint limits for Categories 341, 342/642, 347/348 and 638/639, produced or manufactured in Bangladesh. Any levels which are filled or have been filled as a result of missing charges will re-open February 1, 1988.

Background

CITA directives dated January 28, 1987 (52 FR 3327) and April 16, 1987 (52 FR 13114) established import restraint limits for certain cotton and man-made fiber textile products, including Categories 336, 341, 347/348 and 641, produced or manufactured in Bangladesh and exported during the twelve-month period which began on February 1, 1987 and extends through January 31, 1988.

A subsequent CITA directive dated October 26, 1987 (52 FR 41751) established limits for cotton and man-made fiber textile products in Categories 338/339, 342/642 and 638/639, produced or manufactured in Bangladesh and exported during the periods which began, in the case of Categories 338/339, on June 1, 1987; in the case of Categories 342/642, on July 1, 1987; and, in the case of Categories 638/639, on September 1, 1987; and extend through January 31, 1988.

Under the terms of the Bilateral Textile Agreement, effected by exchange of notes dated February 19 and 24, 1986, and at the request of the Government of the People's Republic of Bangladesh, the limits for Categories 342/642 and 347/348 are being increased by application of swing. The limits for Categories 336 and 641 are being reduced, respectively, to account for swing applied to Categories 342/642 and 347/348, and the limit for Category 641 is being further reduced to account for swing into Category 341. In addition, the limit for Categories 638/639 is being

increased for swing and special shift from Categories 338/339.

Missing charges in the amounts of 26,935 dozen (Category 338), 14,790 dozen (Category 339), 28,262 dozen (Category 342), 44,352 dozen (Category 638), 80,724 dozen (Category 639) and 6,324 dozen (Category 642) are being charged to the current restraint limits for Categories 338/339, 342/642 and 638/639 for imports exported during the designated restraint periods.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the Correlation: Textile and Apparel Categories with Proposed Tariff Schedule of the United States Annotated (see *Federal Register* notice dated December 11, 1987 (52 FR 47745)).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.
January 25, 1988

Committee For The Implementation of Textile Agreements

Commissioner of Customs
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directives of January 28, 1987 and April 16, 1987, concerning imports into the United States of cotton and man-made fiber textile products in Categories 336, 341, 347/348 and 641, produced or manufactured in Bangladesh and exported during the twelve-month period which began on February 1, 1987 and extends through January 31, 1988.

This directive also amends, but does not cancel, the directive of October 26, 1987 concerning imports of cotton and man-made fiber textile products in Categories 338/339, 342/642 and 638/639, produced or manufactured in Bangladesh and exported during the periods which began, in the case of Categories 338/339, on June 1, 1987; in the case of Categories 342/642, on July 1, 1987; and, in the case of Categories 638/639, on September 1, 1987; and extend through January 31, 1988.

Effective on January 29, 1988, the directives of January 28, 1987, April 16, 1987 and October 26, 1987 are amended to adjust the previously established restraint limits for the following categories, under the terms of the bilateral agreement of February 19 and 24, 1986¹:

¹ The agreement provides, in part, that (1) specific limits may be adjusted during the agreement year by designated percentages; (2) specific limits may be adjusted for carryover and carryforward; and (3)

Category	Adjusted limits ¹
336.....	57,277 dozen.
338/339	280,084 dozen.
341.....	1,235,960 dozen.
342/642	122,430 dozen.
347/348	1,112,364 dozen.
638/639	378,620 dozen.
641.....	352,746 dozen.

¹ The limits have not been adjusted to account for any imports exported after January 31, 1987 for Categories 336, 341, 347/348 and 641; May 31, 1987 for Categories 338/339; June 30, 1987 for Categories 342/642; and August 31, 1987 for Categories 638/639.

Also effective on January 29, 1988 you are directed to charge the following amounts to the current restraint limits established for Categories 338/339, 342/642 and 638/639. These charges are for goods imported during the period September 1, 1987 through November 1, 1987.

Category	Amount to be charged
338.....	26,935 dozen.
339.....	14,790 dozen.
342.....	28,262 dozen.
638.....	44,352 dozen.
639.....	80,724 dozen.
642.....	6,324 dozen.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-1783 Filed 1-27-88; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Restraint Limits for Certain Wool Textile Products Produced or Manufactured in Uruguay Effective on February 1, 1988

January 25, 1988.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on February 1, 1988. For further information contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each

administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption of wool textile products in Category 410, produced or manufactured in Uruguay and exported during the twelve-month period which begins on February 1, 1988 and extends through January 31, 1989, in excess of the designated restraint limit.

Background

The Bilateral Cotton and Wool Textile Agreement of December 30, 1983 and January 23, 1984, as amended, between the Governments of the United States and Uruguay, and as translated to the new category system, establishes a specific limit for wool fabrics in Category 410, produced or manufactured in Uruguay and exported during the twelve-month period beginning on February 1, 1988 and extending through January 31, 1989.

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the Correlation: Textile and Apparel Categories with Proposed Tariff Schedule of the United States Annotated (see Federal Register notice 52 FR 47745 dated December 11, 1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee For The Implementation of Textile Agreements

January 25, 1988.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton and Wool Textile Agreement of December 30, 1983 and January 23, 1984, as amended, between the Governments of the United States and Uruguay; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile

products in Category 410, produced or manufactured in Uruguay and exported during the twelve-month period which begins on February 1, 1988 and extends through January 31, 1989, in excess of 2,142,210 square yards.

To the extent that trade which now falls in the foregoing category is within a category limit for the period February 1, 1987 through January 31, 1988, such trade, to the extent of any unfilled balances, shall be charged against the level of restraint established for such goods during that period. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

This limit is subject to adjustment in the future according to the provisions of the bilateral agreement, as amended, which provide, in part, that: (1) the specific limits may be adjusted for carryover and carryforward, and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-1784 Filed 1-27-88; 8:45 am]

BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING COMMISSION

Amex Commodities Corporation Proposed Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed option contract.

SUMMARY: The Amex Commodities Corporation has applied for designation as a contract market in gold bullion warrants. The Commission has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be submitted by March 28, 1988.

ADDRESS: Written comments must be submitted to: Commodity Futures

Trading Commission, 2033 K Street NW., Washington, DC 20581 [Attention: Jean A. Webb, Secretary]. Telephone: (202) 254-6314.

FOR FURTHER INFORMATION CONTACT:

David P. Van Wagner, Attorney-Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Telephone: (202) 254-8955.

Copies of the terms and conditions of the proposed contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the Amex Commodities Corporation in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

SUPPLEMENTARY INFORMATION:

I. Introduction

By letters dated October 21 and 22, 1987, the Amex Commodities Corporation ("ACC" or "Exchange") applied for designation as a contract market in gold bullion warrants ("gold warrants") pursuant to section 4c of the Commodity Exchange Act ("Act") and Commission Regulation 33.5, and for approval of Exchange Rules 1101 through 1111 and Rules 1113 through 1116 pursuant to section 5a(12) of the Act.¹

¹ The Division of Trading and Markets ("Division") believes the ACC's proposed gold warrant contract is an option instrument fully subject to regulation under the Act as discussed in Part 4 of the Commission's Federal Register release concerning the regulation of hybrid and related instruments. 52 FR 47022, 47028 (December 11, 1987).

The proposed gold warrant contracts would be call options providing a holder with a choice of either purchasing a specified amount of physical gold at a fixed exercise price or receiving in cash the difference between a fixed exercise price and the value of gold at the time of exercise. Gold warrants which provide only for cash settlement upon exercise also may be issued for trading. Gold warrants would be issued by companies engaged in the production, fabrication or distribution of gold.

The unit of trading for gold warrants would be one troy ounce of gold, while the minimum delivery unit for warrants exercised for physical delivery would be 100 troy ounces, with further amounts to be delivered in multiples thereof. Any gold warrants exercised by a holder in excess of a multiple of 100 would be settled in cash. A gold warrant's cash settlement amount would be the difference between the warrant's exercise price and the value of gold at the time of exercise based on the afternoon gold fixing price of the London gold market (*i.e.*, the London p.m. gold fix price.)

A gold warrant's life would range in length from two to seven years. Under ACC's proposal any particular class of gold warrants² would not be exercisable for a minimum period of one year following the date of its issue, but must be exercisable during at least the last year prior to expiration. The Exchange has represented that in general a class of gold warrants must have a minimum of 250,000 troy ounces of gold in order to be approved for trading, unless ACC determines, subject to Commission approval, that a smaller-sized class is adequate for a liquid market to develop.

A company issuing gold warrants to be traded on the Exchange would do so, at least initially, in conjunction with a public debt offering as a means of raising capital or reducing borrowing costs in connection with the debt offering. Gold warrants may also be issued by a company as an independent transaction. To the extent required by applicable securities law the offering would be registered with the Securities and Exchange Commission.

Before a company could issue gold warrants for trading on ACC, it would have to meet certain requirements of the Exchange intended to provide assurances that the company is able to perform all the obligations of its gold warrants. First, in order for an issuer of gold warrants to be eligible to issue warrants for trading on the Exchange it must be a company which is in the business of mining, refining or trading gold or producing products of which gold is a significant component. Second, gold warrant issuers would be required to have their common stock listed, or be eligible for listing, on the American Stock Exchange or New York Stock Exchange, and be a reporting company under either Section 12(b) or 12(g) of the Securities Exchange Act of 1934. Additionally, gold warrant issuers would have to have either a shareholders' equity or a market capitalization of at least \$100 million. Finally, if the issuer were a mining company it would be required to maintain and have certified periodically unencumbered proven gold reserves equal to at least 150% of the issuer's gold warrant commitments. If the issuer were not a mining company, it would be required either to maintain ownership of gold bullion equal to the issuer's warrant commitments, or provide a letter of credit in favor of its warrant agent equal to the greater of either (a) 120% of the excess of the London p.m. gold fix price over the exercise price of the issuer's applicable class of gold warrants multiplied by the class size or (b) 120% of the gold warrants' market value. These criteria must be satisfied, as judged by ACC, at the time a class of warrants is issued and maintained throughout the warrants' term.

ACC proposes to use a warrant agent in connection with each class of gold warrants, and to vest it with significant powers and responsibilities. The warrant agent generally would be a bank or trust company selected by an issuer and found acceptable by the Exchange. The warrant agent would act as an agent for an issuer's particular class of gold warrants pursuant to a warrant agency agreement entered into by the issuer and the warrant agent in compliance with the terms of the rules of ACC and the Intercommodity Clearing Corporation ("ICC"), ACC's clearing corporation. The warrant agent would keep the register of the relevant gold

warrants in book entry form and record ownership, transfers, exercises and retirements of such gold warrants; it would receive reports from issuers regarding compliance with the requirements of the rules of the Exchange respecting eligibility of issuers of gold warrants; and, pursuant to the provisions of the warrant agency agreement, the warrant agent would be responsible in appropriate circumstances for pursuing legal remedies against issuers on behalf of holders of gold warrants.

II. Request for Comments

1. The clearing procedures proposed to be used by ACC for gold warrants are similar to the procedures used for clearing standard commodity option contracts; however, the ICC, the Exchange's clearing house, would not guarantee performance of the terms of each gold warrant. ACC proposes to require issuers of gold warrants to meet certain requirements intended to insure that issuers can perform their gold warrant obligations. As discussed above these would include a certain minimum level of capitalization, as well as a gold reserve or letter of credit requirement.

Are the requirements proposed by ACC sufficient to insure that issuers carry out their gold warrant obligations? Are there any additional safeguards which should be implemented to assure performance of warrants? Does the proposed role of the issuer present any particular problem for either the Commission or the Exchange in the enforcement of its respective rules and regulations?

2. The proposal would vest significant powers and responsibilities in the warrant agent in connection with each class of gold warrants traded on the ACC. The Exchange states that while a warrant agent is commonly appointed in connection with securities warrants offered by corporate issuers, there is to date to the Exchange's knowledge no party with a similar function in standard commodity options.

Are additional regulatory safeguards necessary to ensure that the warrant agent properly fulfills its responsibilities? Does the proposed role of the warrant agent present any particular problem for either the Commission or the Exchange in the enforcement of its respective rules and regulations?

² For the purposes of this notice of a class of gold warrants is defined as all such warrants issued by the same issuer and having the identical number of underlying troy ounces of gold bullion, exercise price, expiration date and all other terms.

3. ACC has represented that gold warrants may be issued by companies either in conjunction with public debt offerings or as independent transactions. Does either of these alternatives raise unique regulatory issues?

4. ACC proposes to require that all members and member organizations opening a commodity option account for a customer for the trading of gold warrants comply with the disclosure requirements established by Commission Regulation 33.7. Do the disclosure requirements of Regulation 33.7 adequately inform customers of the nature and risks of gold warrant trading? Should the absence of a clearing guarantee and any specific consequences thereof be disclosed to the customer?

5. Commission Regulation 1.17 establishes minimum financial requirements for futures commission merchants. The Commission anticipates that the proposed gold warrants would be treated like existing commodity options in computing net capital under Regulation 1.17. Please identify those instances, if any, in which different treatment might be appropriate.

6. Commission Regulations 1.20, 1.21, 1.22, and 1.24 set forth requirements for the segregation of customer funds. The Commission anticipates that the proposed gold warrants would be treated like existing commodity options for the purposes of the Commission's segregation requirements. Please identify those instances, if any, in which different treatment might be appropriate.

7. Part 190 of the Commission's regulations sets forth provisions governing the bankruptcy of commodity brokers. The Commission anticipates that the proposed gold warrants would be treated like existing commodity options under Part 190. Please identify those instances, if any, in which different treatment might be appropriate.

8. ACC has proposed position limits which restrict the position a person may hold or control in any class of gold warrants to the lesser of 100,000 troy ounces or one-third of the outstanding warrants in that class. The proposal also provides that the maximum amount which any person may hold or control in all classes combined shall not exceed 200,000 troy ounces. These limits would not apply to issuers or underwriters

during the initial issuing or underwriting process. Additionally, if a person's ownership or control of a particular class of warrants exceeded one-third of that class because exercises lowered the number of total warrants outstanding, that person would not be required to reduce his level of warrant ownership. The Commission requests comment on this aspect of the rules.

9. Unlike typical commodity options and futures contracts where the potential open interest is unlimited, there would be a specific number of warrants in each class. Could this feature create any problems under the Act or the Commission's regulations? If so, please describe the problems, identify the relevant provisions of the Act or the Commission's regulations, and, to the extent possible, suggest possible solutions.

10. Under ACC's proposal, short sales of gold warrants could be made by borrowing and delivering warrants in satisfaction of a sale on the Exchange. The short seller would be required to maintain in his account a minimum margin as prescribed by ACC. The minimum margin level is intended to insure that short sellers will have the means to deliver the gold warrants to their lenders upon demand. Additionally, there could be no short sales of a particular class of gold warrants during the last seven days prior to its expiration. The Exchange has represented that it believes that short sales would encourage liquidity in the gold warrants market. Do the short sale provisions proposed by ACC raise any particular regulatory issues? Would a minimum margin level insure that sellers will be able to meet obligations to their lenders? In the event of a default what responsibilities should the ACC have with respect to performance by short sellers?

11. ACC contemplates that it may allow gold warrant issuers to participate to some degree in the trading of classes of their own gold warrants. The Exchange has stated that, if it decides to do so, it may propose several of the following provisions regarding such participation for Commission approval:

(a) Allowing gold warrant issuers to trade their own warrants for market making purposes, subject to a position limit of no more than 10% of the outstanding gold warrants in each class. By comparison, proposed ACC rules

would establish a position limit for other persons of no more than 33 1/3% of the outstanding gold warrants in any individual class;

(b) Allowing gold warrant issuers to include a redemption feature in their warrants so that issuers could buy a certain percentage of their own gold warrants on the Exchange and have them permanently removed from trading;

(c) Setting a limit on the number of shares which could be redeemed under (b) above. If so, the Exchange anticipates that it would allow further gold warrant redemptions by issuers over and above the limit only if they were part of a tender offer extended to all remaining gold warrant holders of the particular class of warrants involved. For example, ACC may propose that an issuer who wants to redeem more than 50% of a class of its gold warrants must make an offer to buy back the warrants at a set price from all of the class' remaining warrant holders; or

(d) Requiring that if a certain redemption level is reached under the tender offer procedure the Exchange would be allowed to delist the particular class of gold warrants. For example, if an issuer's tender offer was met with a redemption of two-thirds of the number of warrants issued in a particular class the Exchange could delist the warrant class and any remaining holders of those gold warrants would not be able to trade such warrants at ACC or elsewhere. Holders would continue, of course, to have the choice of either exercising the option or holding it until expiration.

Do any of these proposed features create particular regulatory problems under the Act or the Commission regulations? If so, detail such problems, identify the provisions of the Act or the Commission regulations implicated, and, to the extent possible, suggest possible solutions. In particular, identify what specific disclosures would be necessary regarding such provisions.

12. Some classes of gold warrants would be issued by companies in conjunction with public debt offerings. In order to establish a price basis for such instruments, ACC proposes to allow such classes of gold warrant issues to be traded on the Exchange prior to their actual issuance date, on a "when issued" basis. ACC anticipates

the duration of such "when issued" trading would be no more than a few days. Are there any particular regulatory issues which arise in designating a contract which could trade in a "when issued" manner?

13. In designating ACC as a contract market in gold warrants, should the Commission assign any specific duties to the Exchange to monitor issuers' compliance with the gold warrant listing criteria?

14. Are there any specific trading rules that should apply to gold warrants as the result of their being issued by a single issuer?

The foregoing list of questions is not intended to be exclusive and commentators are encouraged to address such other matters as they deem appropriate. The Commission asks, however, that persons responding to any of the questions set forth above identify by number the particular matters upon which they are providing comments.

Any person interested in submitting written data or views on the application and the terms and conditions of the proposed contract, or with respect to other materials submitted by the ACC in support of the application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581.

Issued in Washington, DC on January 22, 1988, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 88-1732 Filed 1-27-88; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Strategic Defense Initiative Advisory Committee Meetings

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Strategic Defense Initiative (SDI) Subcommittee (Ground Based Free Electron Laser Technology Integration Experiment Technical Advisory Group) will meet in closed session in Washington, DC, on February 18-19, 1988.

The mission of the Subcommittee is to provide the SDI Advisory Committee an independent analysis and assessment of the plans and approaches for the ground based free electron laser technology

integration experiment. At the meeting on February 18-19, 1988 the subcommittee will discuss status of laser research and management issues.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C., App II, (1982)), it has been determined that this SDI Advisory Subcommittee meeting, concerns matters listed in 5 U.S.C., 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

January 25, 1988.

[FR Doc. 88-1805 Filed 1-27-88; 8:45 am]

BILLING CODE 3810-01-M

Agency Information Collection Activities Under the Office of Management and Budget Review

Reason For This Notice: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Applicable Form and Applicable OMB Control Number: Uniform Tender of Rates and/or Charges for Transportation Services; MT-HQ Form 43; 0702-0018.

Type of Request: Revision.

Annual Burden Hours: 3,800.

Annual Responses: 6,400.

Needs and Uses: The Military Traffic Management Command evaluates bids for transportation service and determines which carriers to utilize so that the Government pays the lowest rate for moving personal property.

Affected Public: Businesses or other for-profit, and small businesses or organizations.

Frequency: Semi-annual.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Edward Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Edward Springer at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

A copy of the information collection proposal may be obtained from Ms.

Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone 202/746-0933.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

January 25, 1988.

[FR Doc. 88-1806 Filed 1-27-88; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of Meeting: 18 and 19 February 1988

Time of Meetings: 0900-1630 hours daily

Place: The Pentagon, Washington, DC

Agenda: The Army Science Board Ad Hoc Subgroup for Focal Plane Array (FPA) will meet for briefings on service requirements that were not presented at the first meeting, analyses performed by the Institute for Defense Analysis (IDA) on Focal Plane Array producibility, and the statement of work for the Infa Red Focal Plane Array Initiative Request for Proposals (RFP) and contractor comments concerning it. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-1741 Filed 1-27-88; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Date of Meeting: 18-19 February 1988

Time of Meeting: 0800-1600 hours

Place: Pentagon, Washington, DC

Agenda: The Army Science Board's Ad Hoc Committee on Implementing Competitive Strategies will meet. The objective of this meeting will be to make a final review of the written and oral reports. This will include reviewing the complete document, organizing it in final format for printing, and making any necessary changes before going to a final product. Due to the classification of the report and ensuing discussions, this meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-1736 Filed 1-27-88; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with section 10a(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (AS)

Dates of Meeting: 18-19 February 1988

Time: 0800-1700 hours each day

Place: Pentagon, Washington, DC

Agenda: The Army Science Board 1988 Summer Study on Army Testing will meet in the Pentagon for the purpose of gathering facts for the first phase of the study. The opening session will be devoted to the organization of the study team and the panel's succeeding fact-gathering and report-writing efforts. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 87-1736 Filed 1-27-87; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement Supplement (DEISS) for the Elk Creek Lake Project, Rogue River Basin, OR

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement Supplement (DEISS).

SUMMARY: Portland District, U.S. Army Corps of Engineers, is beginning preparation of Supplement No. 2 to the Environmental Impact Statement for Elk Creek Lake, Rogue River Basin, Oregon. The purpose of this action is to address and correct the deficiencies in the EIS and EIS Supplement No. 1 for Elk Creek Lake specified by the United States Court of Appeals for the Ninth Circuit in the decision in the case of Oregon Natural Resources Council V. Marsh.

Elk Creek Lake is a \$119 million flood control project located on Elk Creek, a tributary of the Rogue River, approximately 30 miles northeast of Medford, Oregon. The project includes construction of a concrete dam across Elk Creek and relocation of roads and utilities. Real estate for the project was purchased in the 1970's and the relocation of roads and utilities has been accomplished. Construction of the dam began in February 1986, and a substantial portion of the dam structure has been completed. Elk Creek flows have been diverted through the dam.

Under the terms of an injunction order issued by the U.S. District Court in September 1987, construction of the dam has been halted at a height of 83 feet, a third of the planned height of 249 feet. Until the injunction is rescinded, the dam will remain at its existing height, and Elk Creek flows will pass unregulated through the outlet works. A spillway notch has been built into the dam to allow flood flows to pass safely over the structure.

The alternatives to be considered in this EISS are: (1) Completion of construction of the dam and operation of the project as planned; (2) removal of the existing structure; or (3) no action. The "no action" alternative assumes that the dam would not be completed as planned but that certain measures may need to be taken to stabilize and protect the existing structure in the interest of public safety.

The scoping process will formally commence in February 1988 with the issuance of a scoping letter. Federal, State and local agencies, Indian tribes, and interested organizations and individuals will be asked to comment on the significant issues relating to the potential effects of the alternatives. The DEISS is scheduled for agency and public review in July 1989. The Final EISS is scheduled for publication in early 1990.

ADDRESS: Questions about the proposed action and DEISS can be answered by: David Kurkoski, telephone (503) 221-6094, U.S. Army Corps of Engineers, Portland District, Regulatory and Resources Branch, P.O. Box 2946, Portland, Oregon 97208-2946.

Dated: January 20, 1988.

Gary R. Lord,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 87-1746 Filed 1-27-87; 8:45 am]

BILLING CODE 3710-AR-M

Multiple Reverse Siphons System, San Joaquin Delta, CA; Permit Application Number 9804

The Corps of Engineers, Sacramento District, will prepare an EIS/EIR for a regulatory permit to construct multiple reverse siphons in navigable waters of the U.S. The EIR portion of the document will be prepared by the State of California Water Resources Control Board, Division of Water Rights, as required by the California Environmental Quality Act. The project will involve flooding four large islands. The islands are located in the Sacramento-San Joaquin Delta, about 100 miles east of San Francisco.

AGENCY: Sacramento District, U.S. Army, Corps of Engineers, Department of Defense.

ACTION: Notice of Intent to prepare EIS/EIR.

SUMMARY: Applicant for the Department of the Army permit intends to construct a siphon system in navigable waters of the U.S. The siphons will be used to flood four large islands in the Sacramento-San Joaquin Delta to create storage reservoirs. The islands to be flooded are below sea level, protected by levees, and are used to grow farm crops. Multiple siphons will be constructed to draw water from the delta and will flood the islands. The

water will be returned to the delta by reversing flow in siphons during the summer months when river flows are low. The total storage capacity is about 380,000 a.f. and will have a surface area of about 19,500 acres.

The slope on the inside of the existing levee will be reshaped to 1:10 slope to create shallow areas for marsh and riparian growth. Club houses will be constructed on the levees and docks will be built on both sides of the levees. Duck hunting shelters and blinds will be constructed on various sites around the islands.

Alternatives: The following alternatives are being considered:

1. No project.
2. Reduced scope of project.

Other alternatives identified during the scoping process will be considered. The following significant issues will be discussed in the EIS/EIR:

1. Ecological resources.
2. Water quality.
3. Change in hydraulic characteristics of the Delta river and system.
4. Social and economic impacts, including loss of prime agricultural farm land.
5. Impacts on wildlife habitat and endangered species located in the area.
6. Impacts to existing and proposed state and Federal water projects.
7. Impacts on Flood control.

Other issues identified during the scoping will be discussed in the EIS/EIR. A public notice describing the project will be sent to all known interested parties requesting comments on the project and on the scope of the EIS/EIR. Scoping Process: A scoping meeting is scheduled to be held February 11, 1988, 9:30 a.m., at the Main Auditorium, State Resources Building, 9th and P Streets, Sacramento, California.

We estimate the draft EIS/EIR will be published by July 1988. Questions concerning the proposed actions and EIS/EIR should be directed to Tom Coe, Regulatory Section, U.S. Army Corps of Engineers, 650 Capitol Mall, Sacramento, California 95814, telephone (916) 551-2270, FTS 460-2270. Questions concerning the EIR should be directed to Jim Canaday, California Resources Control Board, Water Rights Division,

901 P Street, Sacramento, California 95814; telephone (916) 324-5648.

Wayne J. Scholl,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 88-1737 Filed 1-27-88; 8:45 am]

BILLING CODE 3710-EH-M

DEPARTMENT OF EDUCATION

Education Research Grant Program; Final Finding; Fiscal Years 1988 and 1989

AGENCY: Department of Education.

ACTION: Notice of final funding priority for fiscal years 1988 and 1989.

SUMMARY: The Secretary of Education (the Secretary) announces a final funding priority by reserving a portion of the total funds available for the Educational Research Grant Program (ERGP), for fiscal years 1988 and 1989, to support research projects led by teachers in public and private elementary and secondary schools.

EFFECTIVE DATE: This priority takes effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of this Final Funding priority call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: L. Ann Benjamin, U.S. Department of Education, Research Applications Division, Office of Educational Research and Improvement, 555 New Jersey Avenue NW. (Room 506-B—M/S 1508), Washington, DC 20208. Telephone: (202) 357-6187.

SUPPLEMENTARY INFORMATION: The purpose of the Educational Research Grant Program (ERGP) is to support scientific inquiry designed to provide more dependable knowledge about the processes of learning and education.

On October 2, 1987, the Secretary published a notice of proposed funding priority for fiscal years 1988 and 1989 in the *Federal Register* (52 FR 37078). Except for editorial changes, there are no differences between the notice of proposed funding priority and this final funding priority.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priority, three parties submitted

comments on the proposed priority. An analysis of the comments follows.

Definition of Teacher-Led Research Project

Comments: One commenter suggested that the Secretary expand the definition of "teacher-led research project" to include projects led by teachers at postsecondary institutions. Another commenter recommended that the definition of "teacher-led research project" be modified to include projects conducted by regional teachers resource centers and other organizations in which teachers actively participate. A third commenter suggested that the definition include projects conducted by nonprofit agencies that provide teacher training and services to elementary and secondary school students.

Discussion: The purpose of this priority is to support research, conducted by classroom teachers, that will directly assist local school improvement efforts. The Secretary believes that the leader of a project under this priority must be an elementary or secondary school classroom teacher in order to maximize the possibility of changes in educational practice as a result of the research.

However, this priority does not preclude collaboration between classroom teachers, postsecondary educators and other personnel or organizations in the educational system.

Changes: None.

Research Topics

Comments: A commenter suggested that the Secretary modify the list of research topics in the priority to include special education of the severely handicapped and the learning disabled.

Discussion: Special education is not specifically listed as a research topic, but it is also not precluded. For example, an applicant could research special education issues under the topics "teachers' roles and teaching functions" or "specific instructional processes and materials."

Changes: None.

Final Absolute Priority

Under this final priority, the Secretary supports only those applications which are for teacher-led research projects. Teacher-led research projects are those in which one or more classroom teachers serve as principal investigators for the project, although involvement of

other personnel such as school administrators, supervisors of teachers, curriculum specialists, and staff developers may also be appropriate.

Under this absolute priority, each application must also be endorsed by appropriate education officials. An application for a teacher-led research project at a public school must include an endorsement from appropriate officials of the local educational agency (LEA). An application for a teacher-led research project at a private school must include an endorsement from the leadership of that school if the school is not a part of a larger local organization of private schools. If the application is for a teacher-led research project in a private school that is a member of a larger local organization of private schools, the endorsement must come from appropriate officials of the larger local organizations of schools. To satisfy the requirement for an endorsement, an application must contain assurances from the entity providing the endorsement that the proposed project addresses issues important to local educational improvement, that the appropriate education officials will provide the project participants with adequate time, facilities and support to conduct the project, and that the appropriate education officials will give the results of the project the fullest possible consideration in addressing related improvements.

Each grantee, in carrying out its teacher-led project, must address one or more of the following topics. Following each topic are examples, illustrative only, of specific study emphases that might be included under that topic.

1. Teachers' roles and teaching functions (e.g., instructional roles, roles as a professional educator, parent-teacher interactions in teaching).
2. Specific instructional processes and materials (e.g., effective teaching techniques, classroom management strategies, organizing learning groups).
3. Effective teaching of subject matter content (e.g., subject-specific approaches, interdisciplinary strategies, examining appropriateness of content).
4. Approaches to professional development of educational personnel (e.g., inservice education, induction of beginning teachers, school-based preservice initiatives).
5. Alternative patterns of school management and organization (e.g.,

administrator-teacher shared decisionmaking, differentiated staffing, career ladder programs).

6. Ways for schools to find, understand, and use research and practice-based knowledge more effectively in local improvement initiatives (e.g., development of local problem-solving capacity, diagnosing readiness for change, implementing and assessing research-based improvements).

7. More effective strategies to assess student, teacher or school indicators of excellence (e.g., student testing strategies, measurement of achievement of school-wide objectives, teacher performance assessment).

Applicable Regulations

(a) The Educational Research Grant Program Regulations, in 34 CFR Part 700, and (b) the Education Department General Administrative Regulations, in 34 CFR Parts 74, 75, 77 and 78.

(20 U.S.C. 1221e)

(Catalog of Federal Domestic Assistance Number 84.117K Educational Research Grant Program)

Dated: January 6, 1988.

William J. Bennett,

Secretary of Education.

[FR Doc. 88-1770 Filed 1-27-88; 8:45 am]

BILLING CODE 4000-01-M

[CFDA No. 84.073A]

Applications for New Developer Demonstrator Awards Under the National Diffusion Network Program for Fiscal Year 1988

Purpose: Provides grants for the dissemination of exemplary education programs nationwide.

Deadline For Transmittal of Applications: April 1, 1988.

Deadline For Intergovernmental Review Comments: June 1, 1988.

Applications Available: February 16, 1988.

Available Funds: \$1,619,000.

Estimated Range of Awards: \$40,000 to \$75,000.

Estimated Number of Awards: 29.

Project Period: Up to 48 months.

Applicable Regulations: (a) The final regulations for the National Diffusion Network, 34 CFR Parts 785 and 786, published in the *Federal Register* on August 14, 1987 (52 FR 30612), and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

Absolute Priorities: Taking into account unmet national needs, the Secretary has selected absolute priorities for this competition from the list of priorities in § 786.3. Only applications for projects in these priority areas will be considered. The Secretary seeks applications for projects in the following priority areas:

1. English, including literature.
2. Science.
3. History, geography and civics.
4. Mathematics.
5. Reading; and adult literacy programs.
6. Written communications.
7. Health, including drug abuse prevention programs.
8. The humanities.
9. Programs that assist in improving school discipline and that foster an atmosphere conducive to learning.
10. Foreign languages.
11. Programs that improve students' skills in comprehension, analysis, and problem solving, including programs in philosophy.
12. Programs that improve teaching and the quality of instruction.
13. Educational leadership.
14. School-wide and district-wide improvement efforts.
15. Drop-out prevention programs and programs for at-risk youth.
16. Programs that foster parental involvement in schools.
17. Early childhood.
18. Gifted and talented students.

However, this listing of priorities does not bind the Department of Education to a specific number of projects in each priority, or to selecting projects for funding in each priority.

Competitive Preference: In accordance with § 786.3(e) and 34 CFR 75.105(c)(2)(ii), applications for projects that have had fewer than six years total funding under the National Diffusion Network will receive a competitive preference. The Secretary may select an application for a project that has had fewer than six years of funding under the National Diffusion Network over an application of comparable merit for a project that has received six or more years of funding under the National Diffusion Network.

For Applications or Information Contact: Mrs. Anne Barnes, U.S. Department of Education, 555 New Jersey Avenue NW., Room 508,

Washington, DC 20208. Telephone: (202) 357-6157.

Program Authority: 20 U.S.C. 3851.

Dated: January 20, 1988.

Chester E. Finn, Jr.,

Assistant Secretary and Counselor to the Secretary.

[FR Doc. 88-1767 Filed 1-27-88; 8:45am]

BILLING CODE 4000-01-M

[CFDA No. 84.073E]

Applications for New Dissemination Process Awards Under the National Diffusion Network Program for Fiscal Year 1988

Purpose: Provides grants for the dissemination of exemplary education programs nationwide.

Deadline for Transmittal of Applications: April 1, 1988.

Deadline for Intergovernmental Review Comments: June 1, 1988.

Applications Available: February 16, 1988.

Available Funds: \$200,000.

Estimated Range of Awards: \$50,000 to \$100,000.

Estimated Number of Awards: Two.

Project Period: The Secretary expects to make these awards for a project period of up to 48 months.

Applicable Regulations: (a) The final regulations for the National Diffusion Network, 34 CFR Parts 785, 786.3 and 787, published in the *Federal Register* on August 14, 1987 (52 FR 30612), and (b) The Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

Absolute Priorities: Taking into account unmet national needs, the Secretary has selected absolute priorities for this competition from the list of priorities in § 786.3. Only applications for projects in these priority areas will be considered. The Secretary seeks applications for projects in the following priority areas:

1. Science.
2. History, geography and civics.
3. Mathematics.
4. Health, including drug abuse prevention programs.
5. The humanities.
6. Programs that assist in improving school discipline and foster an atmosphere conducive to learning.
7. Programs that improve teaching and the quality of instruction.
8. Drop-out prevention programs and programs for at-risk youth.

However, this listing of priorities does not bind the Department of Education to a specific number of projects in each priority, or to selecting Projects for funding in each priority.

For Applications or Information

Contact: Mrs. Linda Jones, U.S. Department of Education, 555 New Jersey Avenue NW., Room 510, Washington, DC 20208. Telephone: (202) 357-6153.

Program Authority: 20 U.S.C. 3851.

Dated: January 20, 1988.

Chester E. Finn, Jr.,

Assistant Secretary and Counselor to the Secretary.

[FR Doc. 88-1768 Filed 1-27-88; 8:45 am]

BILLING CODE 4000-01-M

[CFDA No. 84.170]

Applications for New Awards Under the Jacob K. Javits Fellows Program for Fiscal Year 1988

Purpose: Provide grants to eligible postsecondary students for graduate fellowships in the arts, humanities, and social sciences.

Deadline for Transmittal of Applications: March 7, 1988.

Applications Available: February 3, 1988.

Available Funds: Approximately \$2,000,000 may be available for new fellowships in FY 1988 after funds for continuing fellowships have been allocated.

Estimated Range of Awards: Stipends are determined by the fellow financial need and can range from zero to \$10,000 per academic year. Additionally, the institution attended by a fellow will receive a \$6,000 cost of instruction payment, in lieu of tuition and fees.

Estimated Average Size of Awards: \$15,000, including the cost of instruction payment.

Estimated Number of Awards: 135.

Project Period: 1 academic year (with possibility of continuation for a total of 48 months of support).

Priorities: The Fellowship Board has determined that eligible applicants for this competition will be limited to individuals with 20 or fewer graduate credit hours. Individuals completing their undergraduate degrees are eligible to apply.

Applicable Regulations: Regulations governing the Jacob K. Javits Fellows Program in 34 CFR Part 650. Amendments to these regulations were

published in the *Federal Register* on August 6, 1987 (52 FR 29356).

For Applications or Information Contact: Dr. Allen P. Cissell, Director, U.S. Department of Education, 400 Maryland Avenue SW., ROB-3, Mail Stop 3327, Washington, DC 20202, Telephone: (202) 732-4415.

Program Authority: 20 U.S.C. 1134h-k.

Dated: January 20, 1988.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 88-1769 Filed 1-27-88; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council; Renewal

Pursuant to section 14(a)(2)(A) of the Federal Advisory Committee Act, and 41 CFR Part 101-6, Final Rule on Federal Advisory Committee Management, and following consultation with the Director, Committee Management Secretariat, General Services Administration, notice is hereby given that the National Petroleum Council has been renewed for a 2-year period ending December 31, 1989.

The renewal of the National Petroleum Council has been determined necessary and in the public interest in connection with the performance of duties imposed upon the Department of Energy by law. The Council will operate in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Department of Energy Organization Act (Pub. L. 95-91), and the final rule.

Further information regarding this advisory committee may be obtained from Gloria Decker (202) 586-8990.

Issued in Washington, DC on January 22, 1988.

Howard H. Raiken,

Advisory Committee Management Officer.

[FR Doc. 88-1726 Filed 1-27-88; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 87-51-NG]

Standard Gas Marketing Co.; Order Granting Blanket Authorization To Import Natural Gas

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order granting blanket authorization to import natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Standard Gas Marketing Company (Standard) blanket authorization to import natural gas. The order issued in ERA Docket No. 87-51-NG authorizes Standard to import up to 50 Bcf of natural gas over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-76, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, January 22, 1988.

Constance L. Buckley,
Director, Natural Gas Division, Office of
Fuels Programs, Economic Regulatory
Administration.

[FR Doc. 88-1727 Filed 1-27-88; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RM79-44-001]

West Virginia Department of Energy; Order Granting Waiver

Issued: January 22, 1988.

On September 25, 1987, the West Virginia Department of Energy (West Virginia) petitioned for reconsideration of an order issued June 20, 1980,¹ in the above-captioned docket. That order denied an application by Consolidated Gas Supply Corporation, filed May 22, 1980, for rehearing of Order No. 78, issued April 22, 1980, Docket No. RM79-44.² West Virginia objects, as Consolidated did, to the definition of "natural gas produced from Devonian shale" in § 272.103(e) of the Commission's regulations,³ promulgated

in such order. Both object to the requirement that for gas to qualify as production from Devonian shale, the entire Devonian age stratigraphic interval encountered by the well bore must meet the standard prescribed by the provision. West Virginia states that this excludes certain production from Devonian shale which should qualify.

Preliminary Matters

Shale is a fine-grained rock with relatively low porosity which commonly contains natural gas. Great quantities of shale exist in only a few areas in the United States, and because of such quantities, shale potentially constitutes large sources of gas supply in those areas. However, shale produces gas very slowly because of low permeability, and because of this production from it is more costly than most other gas production. This is the basis of special provisions applicable to shale-produced gas in the Natural Gas Policy Act of 1978 (NGPA) and subsequent tax legislation. Shale production is usually accomplished by means of open hole completions, i.e., well bores with no casings in the shale intervals. This means that ordinarily the production interval is the entire Devonian interval penetrated by the well bore.

NGPA price ceilings for production of gas from Devonian shale qualifying under NGPA section 107(c)(4) were eliminated by NGPA section 121(b) on November 1, 1979.⁴ However, there is a tax credit provided by section 231 of the Crude Oil Windfall Profit Tax Act of 1980,⁵ as amended by section 611 of the Economic Recovery Tax Act of 1981.⁶ The tax credit is applicable to production of fuel from nonconventional sources which includes, among other types of fuel, gas determined under NGPA section 503 to be produced from Devonian shale. The amount of the credit applicable to Devonian shale is

dividing the gamma ray log value at that point by the gamma log value at the shale base line established over the entire Devonian age interval penetrated by the well bore.

⁴ Specifically, section 121(b) eliminated price controls for such gas on the effective date of the incremental pricing rule required under section 201 of the NGPA. This rule was effective November 1, 1979.

⁵ 94 Stat. 229 at 268-272 (April 2, 1980).

⁶ 95 Stat. 172 at 339 (Aug. 13, 1981). Subsequent tax legislation has preserved the tax credit for the production of fuel from nonconventional sources. Section 231 of the Crude Oil Windfall Profit Tax Act of 1980, as amended, is codified at 26 U.S.C. 29 (1985).

\$3.00 per barrel of oil equivalent (5.8 million Btu's) adjusted annually for inflation.

Although Devonian shale gas must qualify under NGPA section 107(c)(4) to be eligible for the credit, there is no credit available if section 107 is utilized for pricing purposes. In any year, therefore, a producer may elect either: (1) A deregulated price under section 107 without the tax credit, or (2) a price obtainable without reference to section 107 of the tax credit. Most Devonian shale gas wells also qualify under NGPA section 103, so that a producer, in most cases, can elect to price such production under section 103 and claim the tax credit.⁷

The credit is phased out as domestic oil prices increase above certain reference prices;⁸ however, at current price levels, the full amount of the credit is available for shale production.

The actual value of the credits for 1987 and each subsequent year cannot be calculated until the Internal Revenue Service publishes the reference price and inflation adjustment factor in March following the year. However, it has been estimated by the Commission staff that the credit for qualified Devonian shale production in 1988 will be approximately \$0.80 per MMBtu.

West Virginia's Arguments

West Virginia states that the geological conditions in West Virginia are broadly representative of conditions throughout the three state area of West Virginia, Kentucky, and Ohio where most of the nation's potential Devonian shale production is concentrated. It describes the Devonian interval generally as consisting of three layers, summarized as follows:

1. A top layer of rock consisting predominantly of coarse grained sands with relatively little interbedded shale. Standing alone, this layer could not approach qualifying as shale under the provision of the § 272.103(e) definition, which requires that at least 95 percent of

⁷ Most section 103 gas has been deregulated by NGPA section 121.

⁸ The phase-out is now dependent on the price for domestic unregulated crude oil. For 1980, 1981, and 1982, however, the credit phase-out for Devonian shale production was based on the average wellhead price of high cost gas under section 107(c)(2), (c)(3), and (c)(4).

¹ 11 FERC ¶ 61,299.

² 45 FR 28092 (Apr. 28, 1980); State & Regs. (Regulations Preambles 1977-1982) ¶ 30.147 (1980).

³ 18 CFR 272.103(e) (1987). This provision reads as follows:

"Natural gas produced from Devonian shale" means natural gas produced from the fractures, micropores and bedding planes of shales deposited during the Paleozoic Devonian Period. "Shales deposited during the Paleozoic Devonian Period" means the gross Devonian age stratigraphic interval encountered by a well bore, at least 95 percent of which has a gamma ray index of 0.7 or greater. The gamma ray index at any point is to be calculated by

a well bore in the interval have a gamma ray index of 0.7 or greater.⁹

2. A middle layer of relatively pure shale with just a little sand or sandstone scattered through it in the form of stringers. Standing alone, this layer ordinarily would qualify as shale under the 95 percent—0.7 gamma ray provision of § 272.103(e).

3. A bottom layer of sandstone and other rock which is not shale.

West Virginia objects to the selection of the entire Devonian interval in the § 272.103(e) definition because it makes the eligibility of gas from a well depend on how much non-shale Devonian rock lies over the Devonian shale, i.e., if the thickness of the overlying rock is greater than 5 percent of the thickness of "the gross Devonian age stratigraphic interval encountered by . . . [the] well bore," then production from the well could not possibly qualify under the definition.¹⁰

Discussion

We agree with West Virginia that Devonian shale production should not be disqualified under NGPA section 107(c)(4) because of thickness of non-shale Devonian formations above or below the shale formations. Later developments since Order No. 78, as alluded to by West Virginia, have shown that a significant amount of Devonian gas production is excluded from the Commission's current definition. The Commission will therefore grant West Virginia a waiver from the Commission's regulations because Congress intended that the Commission establish a workable definition for Devonian shale production which would, as far as is practicable, assure that gas produced from Devonian shale would qualify under NGPA section 107(c)(4).

However, rather than modify § 272.103(e) and the other sections as

⁹ Shale characteristically emits a higher level of natural gamma radiation than the coarser materials in sand stringers, sandstone, siltstone, and other rock in the Devonian stratigraphic interval. Therefore, the amount of shale or non-shale rock in a well bore can be measured by the intensity of its gamma radiation.

¹⁰ The maximum thickness of the overlying rock would actually be 5 percent of the interval in the well bore, less any other footage therein with a gamma ray index of less than 0.7. We note that the effect described here could also happen with regard to non-shale Devonian rock under the shale, but this has been avoidable by producers either by not drilling into the underlying rock or by inserting a bridge plug at the top of such rock.

requested by West Virginia, we have determined to waive the provisions of § 272.103(e) insofar as is necessary to allow applicants for section 107(c)(4) well determinations who so desire to select one continuous interval from the Devonian interval described in § 272.103(e) for qualification as gas produced from Devonian shale. The only condition to this waiver is that if the interval selected is more than 200 feet thick, then the bottom and top 100 foot portions must each meet the 95 percent 0.7 gamma ray requirement independently, in addition to the entire selected interval meeting the requirement. The Commission believes this is necessary to forestall possible use of this waiver to qualify disproportionately large quantities of production from adjacent non-shale stratigraphic layers.¹¹ We believe this waiver will satisfy the concerns raised by West Virginia.

The Commission Orders

Upon request, the Commission is waiving the requirements of § 272.103(e) of the Commission's regulations in accordance with the terms of the preceding paragraph of this order. No separate filing to request such waiver is required in any proceeding before, or to come before, the Commission.

By the Commission. Commissioner Stalon dissented with a separate statement attached.

Lois D. Cashell,
Acting Secretary.

Stalon, Commissioner, dissenting:

In this case, the Commission waives its regulations in order to redefine the definition of "natural gas produced from Devonian shale" in § 272.103(e) of the regulations. I do not object necessarily to redefining the regulations, but I do object to the Commission redefining its regulations outside the context of a rulemaking, where all affected parties have the ability to comment.

I would have preferred, therefore, to address this matter in a notice of

¹¹ Of course, in cases where a well also produces from places in the well bore other than the interval found to qualify under section 107(c)(4), and the qualifying production is not separately produced and metered, a reasonable allocation must be made to determine the amount of qualifying production from the well.

proposed rulemaking, and for this reason I dissent from the order.

Charles G. Stalon,

Commissioner.

[FR Doc. 88-1752 Filed 1-27-88; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3320-8]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the information collection request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review, and is available to the public for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instruments.

FOR FURTHER INFORMATION CONTACT: Carla Levesque at EPA, (202) 382-2740.

SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Substances

Title: Polychlorinated Biphenyls (PCBs): Manufacturing, Processing and Distribution in Commerce Exemptions. (EPA ICR No. 0857).

Abstract: The Toxic Substances Control Act prohibits the manufacture, processing and distribution in commerce of PCBs. However, the statute sets out conditions under which EPA may grant exemptions to this prohibition. EPA uses the information gathered from this collection to determine whether petitioners have met the exemption requirements prescribed by TSCA.

Respondents: Manufacturers, processors, and distributors of Polychlorinated Biphenyls (PCBs).

Estimated Burden: 49 hours.

Frequency of Collection: Annually.

Comments on the ICR should be sent to: Carla Levesque, U.S. Environmental Protection Agency, Information Policy Branch (PM-223), 401 M St. SW., Washington, DC 20460 and Tim Hunt, Office of Management and Budget,

Office of Information and Regulatory Affairs, New Executive Office Building, 726 Jackson Place NW., Washington, DC 20503 (Telephone No. (202) 395-3085).

Dated: January 20, 1988.

Daniel Fiorino,

Director, Information Regulatory Systems Division.

[FR Doc. 88-1774 Filed 1-27-88; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3321-3]

Science Advisory Board; Open Meeting

Under the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that a one-day meeting of the Environmental Effects, Transport and Fate Committee of the Science Advisory Board (SAB) will be held on February 15, 1988. The meeting will begin at 9:00 a.m. and will be held in the Administrator's Conference Room, Room 1101 at the Environmental Protection Agency, Waterside Mall, West Tower, 401 M Street SW., Washington, DC. The meeting will adjourn no later than 5:00 p.m..

Several objectives will be accomplished at this meeting. First, the Environmental Effects, Transport and Fate Committee (EET&FC) will be brought up to date on the activities of the various Subcommittees it oversees, including the Municipal Waste Combustion Subcommittee, the Water Quality Advisories Subcommittee, and the Sediment Criteria Subcommittee. The Committee will also be informed of activities ongoing under the Research Strategies Committee, especially regarding ecological effects, and the Long-Range Ecological Research Needs Subcommittee, since these activities are related to the mission of the EET&FC.

Next, three briefings will be provided from Agency program staff. First, the Office of Research and Development (ORD), Office of Environmental Processes and Effects Research will discuss new objectives and directions to

be followed by the Office, and will introduce the topic of environmental monitoring as an issue for Committee consideration. Second, Tudor Davies, Director of the Office of Marine and Estuarine Protection (OMEP), and Darrell Brown, also of OMEP, will update the Committee on the Agency's activities with respect to incineration at sea. In April of 1985, the SAB issued a report on the incineration of hazardous waste, and made recommendations concerning the burning of such wastes at sea. OMEP staff will inform the Committee of the activities that have been undertaken since SAB issued advice, and will describe their plans for future progress. Third, the Committee will discuss issues related to developing criteria for wildlife protection.

The final objective for the meeting is to continue with planning for a Committee workshop designed to examine and clarify an environmental issue for the benefit of both EPA and the scientific community. Several suggestions have been made by Committee members, and a subgroup will be assigned to evaluate and further develop these ideas.

The meeting will be open to the public. Any member of the public who wishes to attend, present information, or receive further details should contact Ms. Janis C. Kurtz, Executive Secretary or Mrs. Lutithia Barbee, Staff Secretary (A-101 F) Science Advisory Board, U.S. EPA, 401 M Street SW., Washington, DC, telephone (202)382-2552 or FTS-8-382-2552. Written comments will be accepted and can be sent to Ms. Kurtz at the address above. Persons interested in making statements before the Subcommittee must contact Ms. Kurtz no later than February 10, 1988, to be assured of space on the agenda.

Dated: January 14, 1988.

Dr. Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 88-1775 Filed 1-27-88; 8:45 am]

BILLING CODE 6560-50-M

[OPP-36150; FRL-3321-2]

Publication of Addenda on Data Reporting to Pesticide Assessment Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: Addenda to the Pesticide Assessment Guidelines for certain studies have been finalized and are now available to the public from the National Technical Information Service (NTIS). The studies involved are: Wild Mammal Toxicity, Honey Bee Acute Contact LD₅₀, Honey Bee—Toxicity of Residues on Foliage, Field Testing for Pollinators, Magnitude of the Residue: Processed Food/Feed, and Speciality Applications. The addenda supersede paragraphs in the Guidelines on data reporting and provide a format for the preparation of study reports by those submitting data to EPA. While these Guidelines are not mandatory at this time, data submitters are strongly encouraged to follow the format so that reports will be consistent, thereby increasing the efficiency of pesticide registration and other regulatory activities.

ADDRESS: Guidelines can be ordered from: National Technical Information Service, Attn: Order Desk, 5285 Port Royal Road, Springfield, VA 22161, (703-487-4650).

FOR FURTHER INFORMATION CONTACT: Elizabeth M.K. Leovey, Hazard Evaluation Division (TS-769C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Rm. 703B, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2162).

SUPPLEMENTARY INFORMATION: The specific addenda, with NTIS order number and price, currently available from NTIS are as follows.

Document title	NTIS accession No.	EPA document No.	Price
Pesticide Assessment Guidelines Subdivision E, Hazard Evaluation: Wildlife and Aquatic Organisms, Series 71-3, Wild Mammal Toxicity Test, Addendum 3 on Data Reporting	PB88-117288.....	540/09-88-006	\$9.95
Pesticide Assessment Guidelines Subdivision L, Hazard Evaluation: Non-target Insects, Series 141-1, 141-2, and 141-5, Honey Bee Studies.	PB88-117296.....	540/09-88-005	\$9.95
Pesticide Assessment Guidelines Subdivision O, Hazard Evaluation: Residue Chemistry, Series 171-4, Magnitude of the Residue: Processed Food/Feed, Addendum 4 on Data Reporting.	PB88-117270.....	540/09-88-004	\$9.95

Document title	NTIS accession No.	EPA document No.	Price
Pesticide Assessment Guidelines Subdivision O, Hazard Evaluation: Residue Chemistry, Series 171-4, Speciality Applications: (I) Classification of Seed Treatment and Treatment of Crops Grown for Seed Use Only as Non-Food or Food Uses, (II) Magnitude of the Residue: Post-harvest Fumigation of Crops and Processed Foods and Feeds, (III) Magnitude of the Residue: Post-harvest Treatment (Except Fumigation) of Crops and Processed Foods and Feeds, Addendum 5 on Data Reporting..	PB88-124003	540/09-88-008	\$12.95

This is the third set of Data Reporting Guidelines published by the Agency. Publication of the previous sets were announced in the **Federal Register** of November 26, 1986 (51 FR 42931), and of September 23, 1987 (52 FR 35766). These documents were reviewed by the U.S. Department of Agriculture, the Food and Drug Administration, and other organizations within EPA. They underwent public comment announced in the **Federal Register** of October 15, 1986 (51 FR 36753). The documents were revised to reflect consideration of these comments and the public comments are addressed in the documents.

Orders may be placed by mail or telephone. All orders should specify

whether the document is requested in hard copy or microfiche form since prices vary for hard copy but are a consistent \$6.95 for the microfiche. There is an additional \$3.00 handling charge for each order. Payment may be made by charging against an NTIS deposit account; charging to VISA, MasterCard, or American Express; or by check or money order. In all orders, the document title, NTIS order number of the document, desired form of the document (microfiche or hard copy), and the price must be stated.

Data Reporting Guidelines for the remaining major studies in the Pesticide Assessment Guidelines will also be

published. Publication will be announced in the **Federal Register**.

Dated: December 4, 1987.

Anne Barton,
Acting Director, Hazard Evaluation Division,
Office of Pesticide Programs.

[FR Doc. 88-1776 Filed 1-27-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Application for Consolidated Hearing; Community Broadcasting Co., Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MN Docket No.
A. Community Broadcasting Co., Inc.	Wiggins, MS	BPH-860916MD	87-580
B. John F. White	Wiggins, MS	BPH-860918OB	
C. Colon Johnston	Wiggins, MS	BPH-860918MO	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicants
1. Air Hazard	B
2. Comparative	All.
3. Ultimate	All.

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may

also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,
Assistant Chief, Audio Services Division,
Mass Media Bureau:

[FR Doc. 88-1694 Filed 1-27-88; 8:45 am]

BILLING CODE 6712-01-M

Application Designated for Hearing; Dale A. Owens

1. The Commission has before it the following application for a new AM station:

Applicant	City/State	File No.	MM Docket No.
A. Dale A. Owens	Tigard, Oregon	BP-830823AE	87-583

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above application has

been designated for hearing upon the issues whose headings are set forth below. The text of each of these issues

has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986.

Issue Heading

1. Site Availability
2. Environmental Impact
3. Financial Qualifications
4. Ultimate

3. A copy of the complete Hearing Designation Order in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,
Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 88-1695 Filed 1-27-88; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee For The ITU World Administrative Radio Conference On The Use Of The Geostationary Satellite Orbit And The Planning Of The Space Services Utilizing It (Space WARC Advisory Committee); Main Committee Meeting

January 20, 1988.

The Space WARC Advisory Committee will convene its next meeting on February 12, 1988. The Committee will be reviewing the work of the working groups and will be adopting recommendations and advice to the Commission for its Final Report concerning U.S. Proposals and positions for the second session in 1988. Details regarding the date, place and agenda of the meeting are provided below:

Chairman: Ronald F. Stowe (202) 383-6433

Vice Chairman: Stephen E. Doyle (916) 355-6941

Date: Friday, February 12, 1988

Time: 9:30 a.m.—1:00 p.m.

Location: Federal Communications Commission, 1919 M Street NW., Room 856, Washington, DC 20554.

Designated Federal Employee: Thomas S. Tycz (202) 634-1860

Agenda:

- (1) Adoption of Agenda
- (2) Approval of Minutes
- (3) Status of ITU Preparatory Activities
- (4) Working Group Reports
- (5) Adoption of Recommendations for Final Report
- (6) Future Work of Committee
- (7) Date of Next Meeting
- (8) Other Business

(9) Adjournment

For additional information, please contact Thomas B. Tycz, (202) 634-1860.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-1758 Filed 1-27-88; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1708]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

January 21, 1988.

Petitions for reconsideration have been filed in the Commission rule making proceeding listed in this public notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor, International Transcription Service (202-857-3800). Oppositions to these petitions must be filed February 16, 1988.

See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Inquiry into Policies to be Followed in the Authorization of Common Carrier Facilities to Provide Telecommunications Service Off of the Island of Puerto Rico. (CC Docket No. 86-309).

Number of petitions received: 1.

Note.—The above filing is being treated as a petition for reconsideration, although it is not captioned as such. Other petitions for reconsideration in this proceeding were listed in Public Notice, Report No. 1704, released January 7, 1988. In a separate order, the Common Carrier Bureau is modifying the pleading cycle established for those filings to conform to the schedule established for this petition.

Subject: Amendment of § 73.606(b), Table of Allotments, TV Broadcast Stations. (Kenansville, Florida) (MM Docket No. 86-388, RM-5385).

Number of petitions received: 1.

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Lafayette, Louisiana) (MM Docket No. 87-196, RM-5492).

Number of petitions received: 2.

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-1759 Filed 1-27-88; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Crowley Maritime Corp.; Application for Section 16 Exemption; Enlargement of Scope

The Commission, by notice published December 28, 1987 (52 FR 48879), announced that Crowley Maritime Corporation ("Crowley") has applied for an exemption pursuant to section 16, Shipping Act of 1984, 46 U.S.C. app. 1715, and the Commission's implementing regulations, 46 CFR 572.301.

Specifically, Crowley, on its own behalf and on behalf of its present and future wholly-owned subsidiaries, seeks an exemption from the filing requirements of section 5 of the Act, 46 U.S.C. app. 1704; from the prohibitions of section 10(a) (2) and (3) of the Act, 46 U.S.C. app. 1709(a) (2) and (3), to the extent applicable to agreements between or among Crowley or its subsidiaries; and from the prohibitions of section 10(c) of the Act, 46 U.S.C. app. 1709(c), insofar as such prohibitions would apply to activity by, between, or among Crowley or its subsidiaries, and insofar as joint action by common carriers is an essential element of the prohibited activity.

As grounds for the requested exemption, Crowley argues that "no regulatory interest is furthered by subjecting Crowley and its wholly-owned subsidiaries to statutory requirements intended to impose regulatory oversight on concerted activities engaged in by separate, competing entities, or intended to prevent separate entities from unfairly using their aggregate economic power." While acknowledging that in most aspects of their operations the various Crowley subsidiaries act through separate entities, it is also argued that they are all parts of a single, common business enterprise acting for the ultimate commercial benefit of Crowley. It is contended that the subsidiaries are not natural competitors, are in fact managed to avoid competition, and are legally incapable of combining or conspiring together in restraint of trade or commerce within the meaning of the antitrust laws.

In order for the Commission to make a thorough evaluation of the application for exemption, interested persons were requested to submit views or arguments

on the application no later than February 12, 1988.

The Commission now has determined to seek comments from interested persons on whether the exemption requested by Crowley should apply on an industry-wide basis to all other ocean common carriers and marine terminal operators under the same terms and conditions as those proposed by Crowley. In view of this enlargement of scope, the time for interested persons to submit views and arguments is extended to February 29, 1988. Responses shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573-0001 in an original and 15 copies. Responses shall also be served on counsel for Crowley: William H. Fort, Esq., Kominers, Fort & Schlefer, 1401 New York Avenue NW., Suite 1200, Washington, DC 20005.

Copies of the application are available for examination at the Washington, DC office of the Commission, 1100 L Street NW., Room 11101.

By the Commission.
Joseph C. Polking,
Secretary.
[FR Doc. 88-1686 Filed 1-27-88; 8:45 am]
BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No: 224-200085.
Title: Port of Portland Terminal Agreement.
Parties:
The Port of Portland.
Pacific Commerce Line.

Synopsis: The proposed agreement provides for the preferential use of Berths 414 and 415 at Terminal 4 and approximately 10 acres of backup area. Pacific Commerce Line agrees to use the Port for a minimum of 9 sailings and loading a minimum of 40 million board feet of lumber in consideration for reduced truck unloading, wharfage and service and facility charges.

By Order of the Federal Maritime Commission.
Joseph C. Polking,
Secretary.

Dated: January 25, 1988.
[FR Doc. 88-1794 Filed 1-27-88; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Barnett Banks, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decrease or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute,

summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 18, 1988.

A. Federal Reserve Bank of Atlanta
(Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Barnett Banks, Inc.*, Jacksonville, Florida; to engage *de novo* through its subsidiary, Verifications, Inc., Jacksonville, Florida, in check guaranty services pursuant to § 225.25(b)(22); operating a collection agency pursuant to § 225.25(b)(23); and operating a credit bureau pursuant to § 225.25(b)(24) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, January 25, 1988.
James McAfee,
Associate Secretary of the Board.
[FR Doc. 88-1697 Filed 1-27-88; 8:45 am]
BILLING CODE 6210-01-M

Firstier Financial, Inc.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and (12 CFR 225.21(a)) and 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for

processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 18, 1988.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Tier Financial, Inc.*, Lincoln, Nebraska; to acquire 70.1 percent of the voting shares of Circle Management Company, Kerney, Nebraska, and thereby indirectly acquire Platte Valley State Bank and Trust Co., Kearney, Nebraska.

In connection with this application, Applicant also proposes to acquire Guaranty Trust Company, Kearney, Nebraska, and thereby engage in providing trust company services pursuant to § 225.25(b)(3) of the Board's Regulation Y.

2. *Sioux National Company*, Lincoln, Nebraska; to acquire 100 percent of the voting shares of Dean Holbein & Associates, Inc., Lincoln, Nebraska, and thereby indirectly acquire The Security State Bank, Holbrook, Nebraska.

In connection with this application, Applicant also proposes to acquire a general insurance agency operation that will conduct business within a 10 mile radius of Holbrook, Nebraska; pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, January 25, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-1698 Filed 1-27-88; 8:45 am]

BILLING CODE 6210-01-M

First Wyoming Bancorporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 19, 1988.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President)

925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Wyoming Bancorporation*, Cheyenne, Wyoming; to acquire Item Processing Center, Inc., Cheyenne, Wyoming, and thereby engage in providing data processing and data transmission services pursuant to § 225.25(b)(7) of the Board's Regulation Y. This activity will be conducted in the states of Colorado, New Mexico, Utah, Nebraska, Wyoming, and Kansas.

Board of Governors of the Federal Reserve System, January 25, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-1699 Filed 1-27-88; 8:45 am]

BILLING CODE 6210-01-M

Landmark/Community Bancorp, Inc., et al.; Formations of; Acquisition by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 18, 1988.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Landmark/Community Bancorp, Inc.*, Hartford, Connecticut; to acquire

100 percent of the voting shares of Landmark Financial Corporation, Hartford, Connecticut, and thereby indirectly acquire The Landmark Bank, Hartford, Connecticut; Community Bancorp, Inc., Glastonbury, Connecticut, and thereby indirectly acquire Community National Bank, Glastonbury, Connecticut; and SBT Corp., Old Saybrook, Connecticut, and thereby indirectly acquire Saybrook Bank and Trust Company, Old Saybrook, Connecticut.

2. *USA Bancorp, Inc.*, Boston, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Olympic International Bank & Trust Company, Boston, Massachusetts.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Bank of Montreal*, Montreal, Quebec, Canada; Bankmont Financial Corp., New York, New York; and Harris Bankcorp, Inc., Chicago, Illinois; to acquire 100 percent of the voting shares of Norris Bancorp, Inc., Saint Charles, Illinois, and thereby indirectly acquire The First National Bank of Batavia, Batavia, Illinois, and State Bank of Saint Charles, Saint Charles, Illinois.

2. *CNB Bancorp, Inc.*, Chicago, Illinois; to acquire 80.21 percent of the voting shares of Rankin State Bank, Rankin, Illinois.

C. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Fort Worth State Bancshares, Inc.*, Fort Worth, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Fort Worth State Bank, Fort Worth, Texas.

Board of Governors of the Federal Reserve System, January 25, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-1700 Filed 1-27-88; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Interest Rate on Overdue Debts

Section 30.13 of the Department of Health and Human Service's claims collection regulations (45 CFR Part 30) provides that the Secretary shall charge

an annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that HHS becomes entitled to recovery. The rate generally cannot be lower than the Department of the Treasury's current value of funds rate or the applicable rate determined from the "Schedule of Certified Interest Rates with Range of Maturities." This rate may be revised quarterly by the Secretary of the Treasury and shall be published quarterly by the Department of Health and Human Services in the *Federal Register*.

The Secretary of the Treasury has certified a rate of 14.625% for the quarter ended December 31, 1987. This interest rate will remain in effect until such time as the Secretary of the Treasury notifies HHS of any change.

Dated: January 22, 1988.

Dennis J. Fischer,

Deputy Assistant Secretary, Finance.

[FR Doc. 88-1733 Filed 1-27-88; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. N-88-1760; FR-2428]

Availability of Funding Under the Fair Housing Assistance Program; Non-Competitive Solicitation

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of funding availability.

SUMMARY: HUD is soliciting applications from eligible State and local fair housing agencies for Type I Non-Competitive Funding under the Fair Housing Assistance Program. Agencies must meet the specific eligibility criteria set out in this announcement as well as the criteria in 24 CFR Part 111 in order to qualify for consideration under this program.

FOR FURTHER INFORMATION CONTACT:

Maxine B. Cunningham, Director, Federal, State and Local Programs Division, Office of Fair Housing Enforcement and Section 3 Compliance, Office of Fair Housing and Equal Opportunity, Room 5214, 451 Seventh Street SW., Washington, DC 20410-2000. Telephone: (202) 755-0455 (V and TDD).

(This is not a toll-free number.)

Application kits are available to eligible State and local fair housing agencies upon written or telephone request. Telephone requests are encouraged to ensure that eligible agencies receive their application kits at the earliest possible date.

DATE: Applications for Type I funding may be submitted between February 3, 1988 and March 4, 1988. No application received after the closing date will be considered unless it is received before awards are made and qualifies for a late application exception as specified in the Application Kit.

SUPPLEMENTARY INFORMATION: This announcement of solicitation for noncompetitive funding under the Fair Housing Assistance Program (FHAP) is issued pursuant to 24 CFR Part 111. Section 111.104 permits participation in Type I funding by agencies that have entered into agreements providing for interim referrals of complaints or for other utilization of such agencies' services. See 24 CFR 115.11, authorizing interim referrals.

Interested agencies are urged to review 24 CFR Parts 111 and 115 and the information in this announcement to determine eligibility for application.

The FHAP has two types of funding: Type I-Non-Competitive Funding and Type II-Competitive Funding. Type I-Non-Competitive Funding includes support for capacity building, training, complaint monitoring and reporting systems, and contributions for complaint processing. Type II-Competitive Funding includes support for specialized project proposals developed by State and local agencies to enhance their fair housing programs. Under this announcement, eligible agencies can apply for Type I funding only.

Background

Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601-19 (the Federal Fair Housing Law), prohibits discrimination in the sale, rental or financing of housing and in the provision of brokerage services. Section 810(c) of that title provides that, wherever a State or local fair housing law has been recognized as providing rights and remedies substantially equivalent to those in the Federal Fair Housing Law, the Secretary of HUD is required to notify the appropriate State or local agency of any complaint filed with HUD that appears

to constitute a violation of the State or local law. Section 816 provides that the Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, may use their services and their employees and may reimburse the agencies for services rendered in carrying out the Federal Fair Housing Law. The FHAP was authorized by Congress to provide HUD with the resources to enhance the fair housing capabilities of State and local civil rights agencies.

Other Matters

This program is described in the Catalog of Federal Domestic Assistance at 14.401, Fair Housing Assistance Program.

Collection of information contained in this notice have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). The OMB Control Number is 2529-0005.

FHAP Funding Requirements in This Announcement

I. Eligibility

To be eligible to apply for funds under the FHAP, an agency must meet the criteria prescribed in 24 CFR 111.104. Specifically, an agency must be certified as a substantially equivalent agency under the standards set forth at 24 CFR Part 115, and must have executed a written Memorandum of Understanding; or an agency must have entered into a written agreement for interim referral or other utilization of services, as set forth at 24 CFR 115.11. The Memorandum of Understanding/written agreement must describe the working relationship to be in effect between the agency and the appropriate HUD Regional Office of Fair Housing and Equal Opportunity.

However, if an agency has applied to the Department for recognition as a substantially equivalent agency, and has been found by the Department to have statutory authority substantially equivalent to the Federal Fair Housing Law but has not been granted final or interim recognition, it will be eligible to apply for Type I funds if either of two conditions are met:

1. The agency was proposed for recognition as a substantially equivalent agency by the Secretary under 24 CFR

Part 115, as in effect prior to October 8, 1984, or

2. The Department has published a notice advising the public that the law which the agency administers is, on its face, substantially equivalent to the Federal Fair Housing Law and seeking public comments on the current practices and past performance of the agency, in accordance with 24 CFR 115.6.

Such an agency may enter into negotiations with the Regional Office of Fair Housing and Equal Opportunity to develop a Memorandum of Understanding meeting the criteria set forth in 24 CFR 115.6(c), and may at the same time submit funding proposals. No funds will be obligated to such an agency until it has received final recognition as equivalent, or has entered into an Interim Agreement in accordance with 24 CFR 115.11.

All Type I proposals for funding must pertain to housing discrimination based on race, color, religion, sex or national origin.

II. Methods of Distribution

A. Scope: Applications are solicited for non-competitive funding as described at 24 CFR Section 111.102. A total of approximately \$3.3 million is available under this Announcement.

B. Categories of Funding:

1. Capacity Building: Under 24 CFR 111.102(a), HUD will provide all agencies seeking capacity building support for the first and second years of their participation in the FHAP with a level of funding based upon HUD records showing the number of complaints of housing discrimination received by HUD from that agency's jurisdiction during the period of October 1, 1986-September 30, 1987. The maximum payments will be determined by HUD in accordance with the following schedule:

Number of complaints	Maximum payment
25 or less	\$25,000
26-50	45,000
51-75	60,000
76-100	75,000
For each additional complaint over 100	750

Under 24 CFR 111.105(b), all agencies seeking capacity building support must submit a written narrative justification documenting that within their

jurisdiction there is a sufficient volume of current or potential complaint activity to justify the requested allocation of funds.

2. Training: Agencies receiving Type I funds will be required to participate in HUD-sponsored training. (24 CFR 111.105(a)(4)). Funds to support participation in this training are available to the agency at 15% of its capacity building or contributions allocation, but funds for training participation shall not exceed \$8,000, nor be less than \$4,000. Any agency which is otherwise eligible to receive funding for capacity building or contributions, but elects not to apply for it, may apply for training support funds up to the level which the agency would have been entitled to receive had it applied for capacity building or contributions funding.

These funds are intended to support attendance at HUD-sponsored training at national and regional training sites. These monies may also be used to support additional in-house training by agencies for agency-specific problems, and for training of staff unable to attend national or regional training, subject to the approval of the HUD Government Technical Representative.

3. Complaint Monitoring and Reporting Systems: Any agency applying for capacity building funds will be entitled to receive funds for the creation, modification or improvement of the agency's complaint information and monitoring capability, to result in a system compatible with HUD's, provided that the agency has not previously been funded for that purpose. (Complaint monitoring and reporting systems funds are available on a one-time only basis.) Agencies can receive Complaint Monitoring and Reporting Systems support to a maximum of \$5,000. Agencies seeking such support must submit a narrative justification documenting the need for the requested level of funding under this component.

4. Contributions: Agencies eligible for their third-or-later year of non-competitive support will be provided with support for complaint processing based solely on the number of dual-filed housing discrimination complaints actually processed by the agency during the annual period beginning October 1,

1986 and ending September 30, 1987. (See 24 CFR 111.102(b)) (A dual-filed complaint is a complaint which has been docketed at both HUD and the agency.) The unit reimbursement level will be \$750 per complaint.

C. Applications: To receive first or second year funding, applicants must submit all information required in the Type I-Non-competitive Application Kit. Applicants eligible for third-or-later year funding will be sent a Cooperative Agreement based solely on the number of dual-filed housing discrimination complaints actually processed by the agency in the twelve month period from October 1, 1986 through September 30, 1987. HUD will incorporate the training allotment into that Agreement. (This collection of information requirement has been assigned OMB control number 2529-0005.)

D. Award Procedures: Applications for Type I funding will be reviewed upon receipt for completeness and conformity with 24 CFR 111.105. (See also, paragraph III. below).

III. Application Notification and Award Procedures

A. Notification: All Applicants will be notified of the action on their Type I applications as soon as the evaluation of applications is completed.

B. Negotiations: After submission of the application, but before the award, HUD may require that applicants participate in negotiations and submit application revisions resulting from those negotiations. Awards for Type I applications are expected to be made within four weeks after negotiations are successfully completed.

C. Type of Funding Instrument: Applicants most likely will be funded under fixed-price Cooperative Agreements. However, HUD reserves the right to employ the form of agreement determined to be most appropriate after negotiation.

Authority: Title VIII, Civil Rights Act of 1968 (42 U.S.C. 3601-19); Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: December 30, 1987.

Judith Y. Brachman,
Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 87-1696 Filed 1-27-88; 8:45 am]

BILLING CODE 4210-28-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-100-84-6310-02; GP8-046]

Roseburg District; Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Land Management's Roseburg District Advisory Council will meet to review district programs and to introduce and orient new council members.

DATE: February 12, 1988 at 9:00 a.m.

ADDRESS: Bureau of Land Management, 777 NW Garden Valley Blvd., Roseburg, Oregon 97470.

FOR FURTHER INFORMATION CONTACT: Gordon Cheniae, BLM Roseburg District Office, 777 NW Garden Valley Blvd., Roseburg, Oregon 97470. (Telephone (503) 672-4491, Ext. 230.)

SUPPLEMENTARY INFORMATION: Time will be provided about 11 a.m. during the Council meeting for interested persons to make oral statements or to file written statements for the Councils consideration.

Summary minutes of the meeting will be maintained at the District Office and will be available for public inspection and reproduction within 30 days following meeting.

Dated: January 14, 1988.

M.D. Berg,
District Manager.

[FR Doc. 88-1739 Filed 1-27-88; 8:45 am]

BILLING CODE 4310-33-M

[OR-090-06-6310-10 GP-8-055]

Eugene District Advisory Council; Meeting

Notice is hereby given in accordance with section 309 of the Federal Land Policy and Management Act of 1976 that a meeting of the Eugene District Advisory Council will be held on Thursday, February 18, 1988, in Room 221 of the Federal Building, 211 E. 7th, Eugene, Oregon.

The agenda of the meeting will include: (1) Proposed land exchanges between BLM and private landowners; and (2) review of issues associated with the planning process for western Oregon.

The meeting is open to the public. Interested persons may make oral statements to the Council at the end of the meeting or file written statements for the Council's consideration. Anyone desiring to make an oral statement must notify the District Manager, Bureau of Land Management, 1255 Pearl St., Eugene, Oregon 97401 by February 17, 1988. A time limit may be established by the District Manager, depending on the number of persons wanting to address the Council.

Summary minutes of the Council meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: January 20, 1988.

Ronald L. Kaufman,
District Manager.

[FR Doc. 88-1789 Filed 1-7-87; 8:45 am]

BILLING CODE 4310-33-M

[NM-060-4220-90; NM 69431]

Realty Action; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management proposes to dispose of the following tract of land by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat 2750, 43 U.S.C. 1713) and the procedures in 43 CFR 2700, at no less than the appraised fair market value of \$6,900. The lands will not be offered for sale until at least 60 days after the date of this notice.

T. 17 S., R. 29 E., NMPM

Sec. 29, Lot 11, aggregating 4.35 acres, more or less

The lands described are hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this notice, whichever occurs first.

The tract will be offered for competitive sale beginning at 11 a.m., MST, April 4, 1988, at the Bureau of Land Management, Carlsbad Resource Area Office, 101 East Mermod Street, Carlsbad, New Mexico.

Sealed bids will be accepted. Sealed bids must be received by the BLM's Carlsbad Resource Area Office, P.O.

Box 1776, Carlsbad, New Mexico 88220, no later than 4:30 p.m., MST, April 3, 1988. Sealed bid envelopes must be marked on the front lower left corner with the words, SEALED BID, April 4, 1988. Bids must not be for less than the appraised value of \$6,900. Each sealed bid shall be accompanied by a certified check, postal money order, or cashier's check made payable to: USDI, Bureau of Land Management, for not less than 20 percent of the amount bid. All sealed bids will be publicly opened on the sale date. Following the opening of the sealed bids, oral bids will be accepted.

Oral bidding will start at a price of \$50.00 over the highest sealed bid and will continue in \$50.00 increments. After oral bids, if any, are received, the highest qualifying bid designated by type, shall be declared by the authorized officer. If applicable, the person declared to have entered the highest qualifying oral bid shall submit payment by cash, personal check, certified check, cashier's check, or money order for not less than 20 percent of the amount bid immediately following close of the sale. If the highest declared bid is an oral bid, and if that person also submitted a sealed bid, that person must submit sufficient additional funds over that submitted with the sealed bid, to bring the total deposit to not less than 20 percent of the bid. This will be accomplished immediately following close of sale.

The successful purchaser shall submit the balance of the purchase price within 180 days from the date of the sale.

Reservations and Conditions

The terms and conditions applicable to the sale are:

1. All minerals are reserved to the United States, together with the right to prospect for, mine, and remove under applicable laws, and such regulations as the Secretary of Interior may prescribe. (43 U.S.C. 1719).

2. A right-of-way is reserved for ditches and canals constructed by the authority of the United States under the authority of the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

3. The sale of the tract will be subject to all valid existing rights.

In the event that the tract is not sold on the initial sale date, the tract will be offered competitively, by sealed bid only, on a continuing basis until June 1, 1988, at the Carlsbad Resource Area Office, Carlsbad, New Mexico. Sealed

bids will be opened on the first business day of each month at 10 a.m. All bids must be received at the Carlsbad Resource Area Office no later than 4:30 p.m. on the day before the sale and must be marked in the lower left corner of the envelope with the words "Sealed Bid", and the sale date.

SUPPLEMENTARY INFORMATION: Public documents concerning land use plans, environmental documentation, land report analyses, appraisal, and record of public comments are available for inspection at the Carlsbad Resource Area Office, Carlsbad, New Mexico. For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager at P.O. Box 1397, Roswell, New Mexico, 88201.

In the absence of any objections, this proposal will become the final determination of the Department of the Interior.

Francis R. Cherry, Jr.,

District Manager.

[FR Doc. 88-1716 Filed 1-27-88; 8:45 am]

BILLING CODE 4310-FB-M

Realty Action—Exchange; Oregon

[OR-090-06-4212-13: GP8-052; OR 42315]

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action—exchange of public lands in lane and Linn Counties, Oregon.

SUMMARY: The following described public land has been examined and determined to be suitable for transfer out of Federal ownership by exchange under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Willamette Meridian, Oregon

T. 24 S., R. 1 E.
Sec. 29: E $\frac{1}{2}$ SE $\frac{1}{4}$
T. 16 S., R. 2 E.
Sec. 20: NE $\frac{1}{4}$ SW $\frac{1}{4}$
T. 17 S., R. 1 W.
Sec. 25: Lots 3, 4
T. 17 S., R. 1 E.
Sec. 9: NW $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 13: NE $\frac{1}{4}$
T. 17 S., R. 2 E.
Sec. 10: S $\frac{1}{2}$ SW $\frac{1}{4}$
Sec. 20: E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
T. 17 S., R. 3 E.
Sec. 18: Lot 3
T. 18 S., R. 1 W.
Sec. 3: Lots 12-14
Sec. 19: Lot 3
Sec. 20: Lot 4

Containing 80.00 acres in Linn County and 725.36 acres in Lane County.

In exchange for these lands, the United States will acquire the following described lands from the Weyerhaeuser Company:

Willamette Meridian, Oregon

T. 17 S., R. 2 E.

Sec. 12: E $\frac{1}{2}$

T. 17 S., R. 3 E.

Sec. 8: Lots 1-6, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{2}$ NW $\frac{1}{4}$

Sec. 10: N $\frac{1}{2}$ SE $\frac{1}{4}$ North of 8100 Road

Sec. 11: NW $\frac{1}{4}$ SW $\frac{1}{4}$ North of 8100 Road

Sec. 18: E $\frac{1}{2}$ SE $\frac{1}{4}$ East of Marten Creek Fork

Containing 746.29 acres, more or less, in Lane County.

The purpose of the exchange is to improve the resource management program of the Bureau of Land Management and the property management program of the Weyerhaeuser Company. The public lands to be exchanged are relatively isolated parcels, noncontiguous to other BLM lands and in some cases lacking legal access. The private lands being offered have important timber, visual and wildlife habitat values. These lands will be managed for multiple use along with the adjoining public lands. The public interest will be well served by making this exchange.

The value of the lands to be exchanged is approximately equal, and the acreage or timber reservations will be adjusted to bring the values as close as possible upon completion of the final appraisal of the lands. Full equalization of values will be achieved by payment to the United States of funds in an amount not to exceed 25 percent of the total value of the public land to be transferred. All mineral rights will be transferred with the surface.

The exchange will be subject to:

1. All valid existing rights, including any right-of-way, easement, permit or lease of record.

2. A reservation to the United States of a right-of-way for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

3. A reservation to the United States of all timber on a portion of Lots 3 and 4, Section 25, T. 17 S., R. 1 W., W.M. and on all of Lots 12-14, Section 3, T. 18 S., R. 1 W., W.M., until such time as the timber has been sold by the United States and the Bureau of Land Management contracts for the sale of

the timber have been completed and terminated.

Publication of this notice in the **Federal Register** segregates the public land, described above, from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

DATE: For a period of up to and including March 14, 1988, interested parties may submit comments to the Eugene District Manager at the address shown below. Any objections will be reviewed by the Oregon State Director, Bureau of Land Management, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

ADDRESSES: Detailed information concerning this exchange, including the environmental assessment, is available for review at the Eugene District Office, P.O. Box 10226 (1255 Pearl Street), Eugene, Oregon 97440.

FOR FURTHER INFORMATION CONTACT: Ronald Wold, Eugene District Office, at (503) 683-6403.

Dated: January 20, 1988.

Ronald L. Kaufman,
District Manager.

[FR Doc. 88-1744 Filed 1-27-88; 8:45 am]

BILLING CODE 4310-33-M

[ES-940-08-4520-13; ES-037835, Group 20]

Filing of Plats of Dependent Resurvey, Subdivisions of Sections and Survey of Rend Lake Acquisition Boundary; Staged; Illinois

January 21, 1988.

On Monday, December 14, 1987, there was published in the **Federal Register**, Volume 52, Number 239, on page 47459 a notice entitled "Illinois; Filing of Plats of Dependent Resurvey, Subdivisions of Sections and Survey of the Rend Lake Acquisition Boundary". In said notice was a plat, in seven sheets, depicting the dependent resurvey of a portion of the south boundary, a portion of the subdivisional lines, and the survey of the subdivision of sections 4, 6, 7, 8, 9, 17, 31, 32, 33 and 34, and the Rend Lake acquisition boundary, Township 4

South, Range 3 East, Third Principal Meridian, Illinois, accepted on November 24, 1987.

The official filing of the plat is hereby stayed, pending consideration of all protests.

Lane J. Bouman,

Deputy State Director for Cadastral Survey and Support Services.

[FR Doc. 88-1714 Filed 1-27-88; 8:45 am]

BILLING CODE 4310-GJ-M

[CA-940-08-4220-10; CA 3653]

Termination of Proposed Withdrawal and Reservation of Land; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice of the U.S. Department of Agriculture, Forest Service, application CA 3653, for the withdrawal and reservation of National Forest System lands from appropriation under the United States mining laws (30 U.S.C. Ch. 2) for use as a natural area—the Shasta Mudflow Research Natural Area—located within the Shasta-Trinity National Forests, was published at 41 FR 21655 on May 27, 1976, and republished at 77 FR 17651 on June 20, 1977. The U.S. Department of Agriculture has cancelled the application in its entirety:

Mount Diablo Meridian

T. 40 N., R. 2 W.,
Sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 16, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 21, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$,
W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$,
and SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 27, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$
SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, All;
Sec. 29, E $\frac{1}{2}$;
Sec. 32, NE $\frac{1}{4}$;
Sec. 33, N $\frac{1}{2}$;
Sec. 34, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$.

The area described contains 3,530 acres in Shasta County.

DATE: At 10 a.m. on March 1, 1988, the lands will be relieved of their segregative effect in accordance with the regulations in 43 CFR 2310.2-1(c).

FOR FURTHER INFORMATION CONTACT: Viola Andrade, BLM California State Office, E-2841 Federal Office Building,

2800 Cottage Way, Sacramento, California 95825, (916) 978-4815.

Nancy J. Alex,

Chief, Lands Section, Branch of Adjudication and Records.

[FR Doc. 88-1743 Filed 1-27-88; 8:45 am]

BILLING CODE 4310-40-M

Minerals Management Service

Development Operations Coordination Document; Amoco Production Co.

AGENCY: Minerals Management Service, Interior

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 5456, Block 38, South Marsh Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on January 22, 1988. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico

OCS Region, Field Operations, Plans Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local government, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 22, 1988.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 88-1745 Filed 1-27-88; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Century Offshore Management Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Century Offshore Management Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 5315, Block 368, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on January 19, 1988. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management

Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael D. Joseph; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 20, 1988.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 88-1705 Filed 1-27-88; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Hall-Houston Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Hall-Houston Oil Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 2410, Block A-313, High Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Sabine Pass, Texas.

DATE: The subject DOCD was deemed submitted on January 20, 1988.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT:

Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 20, 1988.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 88-1706 Filed 1-27-88; 8:45 am]

BILLING CODE 4310-MR-M

**INTERSTATE COMMERCE
COMMISSION**

[Finance Docket No. 31148]

**Indiana Harbor Belt Railroad Co.;
Acquisition of Line of Chicago and
Western Indiana Railroad Co.;
Exemption From 49 U.S.C. 11343**

AGENCY: Interstate Commerce
Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from prior approval: (1) Under 49 U.S.C. 11343 *et seq.* the purchase of approximately 5.0 miles of Chicago & Western Indiana Railroad Company's line between 109th Street and 144th Street, Chicago, IL by the Indiana Harbor Belt Railroad Company; and (2) under 49 U.S.C. 10903, *et seq.* Any discontinuance of operations arising from the cancellation of certain related operating agreements. The exemptions are subject to standard labor protection conditions.

DATES: These exemptions are effective on February 27, 1988. Petitions for stay must be filed by February 8, 1988, and petitions for reconsideration must be filed by February 17, 1988.

ADDRESSES: Send pleadings referring to Docket No. 31148 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioners representatives:
John H. Park, Chicago & Western
Indiana Railroad Co., 428 West 47th
Street, Chicago, IL 60609

Anna M. Kelly, Indiana Harbor Belt
Railroad Co., 175 W. Jackson Blvd.,
Suite 1460, Chicago, IL 60604

FOR FURTHER INFORMATION CONTACT:

Joseph H. Dettmar, (202) 275-7245
[TDD for hearing impaired: (202) 275-
1721]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423 or call (202) 289-4357 (D.C. metropolitan area), (assistance for the hearing impaired is available through TDD service (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission Headquarters).

Decided: January 20, 1988.

By the Commission, Chairman Gradison,
Vice Chairman Andre, Commissioners
Sterrett, Lamboley, and Simmons.

Noreta R. McGee,
Secretary.

[FR Doc. 88-1658 Filed 1-27-88; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR**Employment and Training
Administration****Investigations Regarding
Certifications of Eligibility To Apply for
Worker Adjustment Assistance;
Apache Corp. et al.**

Petitions have been filed with the
Secretary of Labor under section 221(a)
of the Trade Act of 1974 ("the Act") and
are identified in the Appendix to this

notice. Upon receipt of these petitions,
the Director of the Office of Trade
Adjustment Assistance, Employment
and Training Administration, has
instituted investigations pursuant to
section 221(a) of the Act.

The purpose of each of the
investigations is to determine whether
the workers are eligible to apply for
adjustment assistance under Title II,
Chapter 2, of the Act. The investigations
will further relate, as appropriate, to the
determination of the date on which total
or partial separations began or
threatened to begin and the subdivision
of the firm involved.

The petitioners or any other persons
showing a substantial interest in the
subject matter of the investigations may
request a public hearing, provided such
request is filed in writing with the
Director, Office of Trade Adjustment
Assistance, at the address shown below,
not later than February 8, 1988.

Interested persons are invited to
submit written comments regarding the
subject matter of the investigations to
the Director, Office of Trade Adjustment
Assistance, at the address shown below,
not later than February 8, 1988.

The petitions filed in this case are
available for inspection at the Office of
the Director, Office of Trade Adjustment
Assistance, Employment and Training
Administration, U.S. Department of
Labor, 601 D Street NW., Washington,
DC 20213.

Signed at Washington, DC, this 19th day of
January 1988.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment
Assistance.

APPENDIX

Petitioner:	Location	Date received	Date of petition	Petition No.	Articles Produced
Apache Corporation (Workers)	Denver, CO	1/19/88	12/28/88	20,386	Oil & Gas.
Bethlehem Steel Corp. (USWA)	Sparrows Point, MD	1/19/88	1/5/88	20,387	Steel.
Brentwood Furniture, Inc. (Company)	Haverhill, MA	1/19/88	12/23/87	20,388	Furniture.
CIBA-GEIGY Corp. (Workers)	Glens Falls, NY	1/19/88	1/8/88	20,389	Paint Pigments.
Courtauld C.P.D. Inc. (ACTWU)	Newark, NJ	1/19/88	1/5/88	20,390	Acetate Film.
Fletcher Paper, Co. (Workers)	Alpena, MI	1/19/88	1/7/88	20,391	Paper.
General Motors Corp. Fisher Guide Div. (UAW)	Trenton, NJ	1/19/88	1/10/88	20,392	Hardware.
Hussmann/Bastian-Blessing (AIW)	Grand Haven, MI	1/19/88	1/7/88	20,393	Food Equipment.
Jade Sportswear (Workers)	New York, NY	1/19/88	1/6/88	20,394	Sweaters.
Okonite Co. (Workers)	Phillipsdale, RI	1/19/88	1/4/88	20,395	Telephone Cable.
Oneonta Corporation (Workers)	Oneonta, NY	1/19/88	1/11/88	20,396	Dresses & Suits.
Risdon Eyelet Specialty Co., Inc. (USAW)	Wallingford, CT	1/19/88	1/6/88	20,397	Cosmetic Cases.
Sealed Power Corp. (UAW)	Muskegon, MI	1/19/88	1/4/88	20,398	Piston Rings.

FR Doc. 88-1800 Filed 1-27-88; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-20,180]

Flying J., Inc., Cut Bank Gas Plant, Cut Bank, MT; Negative Determination Regarding Application for Reconsideration

By an application dated December 22, 1987, the Oil, Chemical & Atomic Workers (OCAW) requested administrative reconsideration of the Department's negative determination on the subject petition for trade adjustment assistance for workers at Flying J., Incorporated, Cut Bank Gas Plant, Cut Bank, Montana. The denial notice was signed on November 30, 1987 and published in the *Federal Register* on December 15, 1987 (52 FR 47645).

Pursuant to CFR 90.18(c) reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or
- (3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The union claims that worker separations at the Cut Bank Gas plant were the result of imports of propane from Canada. The union submitted a U.S. Customs invoice showing that Flying J. did, in fact, import propane.

Investigation findings show that Flying J. received its wet natural gas via a pipeline from the oil and gas fields owned by the Montana Power Company. The wet gas was processed into a useable form for the Montana Power Company to deliver to its customers. During processing and refining certain by-products were produced, chief of which was propane. A certain percentage of propane was allowed to be sold in a separate market by Flying J. by means of a contract with the Montana Power Company as compensation for refining.

On review, the findings show that the dominant cause for worker separations at Flying J. was the loss of the wet gas processing contract with the Montana Power Company. Investigation findings

show that Flying J. was only a producer of propane as a result of its refining of wet natural gas. The Montana Power Company brought on line its own modern processing and refining plant in October, 1987 thus eliminating the need for Flying J. to process and refine Montana's wet gas. Accordingly, the loss of the wet natural gas processing contract was the cause of the lost propane, not propane imports.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 21st day of January 1988.

Robert O. Deslongchamps,
Director, Office of Legislation and Actuarial Services, UIA.

[FR Doc. 88-1801 Filed 1-27-88; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; National Aluminum Corp. et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period January 4, 1988—January 8, 1988 and January 11, 1988—January 15, 1988.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-20, 213; National Aluminum

Corp., Murrysville, PA

TA-W-20, 230, A.C. Lawrence Leather Co., Winchester, NH

TA-W-20, 308; Wilson Welding Co., Inc., Huntington, WV

TA-W-20, 234; Elizabeth Fashions, Hoboken, NJ

TA-W-20, 269; Maxwell House Coffee, Hoboken, NJ

TA-W-20, 236; Griffin Wheel Co., Kansas City, KS

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-20, 317; Potter & Brumfield, Inc., Princeton, IN

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20, 347; Greenwich Collieries, Barnesboro, PA

U.S. imports of steam coal are negligible.

TA-W-20, 232; Cordis Corp., Miami, FL

U.S. imports of pacemakers decreased both absolutely and relative to domestic production in 1986 compared with 1985.

TA-W-20, 248; Internor Trade, Inc., Houston, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-20, 330; Format Printing Co., Totowa, NJ

U.S. imports of manifold business forms are negligible in 1985, 1986 and were decreasing and negligible in the January through June 1987 period compared to the same period in 1986.

TA-W-20, 315; POK Manufacturers, Inc., Pharoah, OK

Increased imports did not contribute importantly to workers separations at the firm.

Affirmative Determinations

TA-W-20, 233; Excello Shirt, Seymour, IN

A certification was issued covering all workers of the firm separated on or after October 27, 1986 and before January 1, 1988.

TA-W-20, 240; The Stock Shop, Inc.,
Boston, MA

A certification was issued covering all workers of the firm separated on or after October 23, 1986.

TA-W-20, Malouf of Dallas, Healdton,
OK

A certification was issued covering all workers of the firm separated on or after November 6, 1986.

TA-W-20, 256; Anchor Metals, Inc.; Fort
Madison, IA

A certification was issued covering all workers of the firm separated on or after January 1, 1987.

TA-W-20, 251; Maxi-Switch Co.,
Minneapolis, MN

A certification was issued covering all workers of the firm separated on or after October 5, 1986

TA-W-20, 255; Amfesco Durmamil Div.,
Inc., Nedley, FL

A certification was issued covering all workers of the firm separated on or after November 5, 1986.

TA-W-20, 368; Gates Energy Products,
Inc., Paris, MO

A certification was issued covering all workers engaged in the production of rechargeable sealed lead-acid batteries separated on or after December 22, 1986.

TA-W-20, 244; American Trim Products,
Inc., McKenney, VA

A certification was issued covering all workers of the firm separated on or after November 2, 1986 and before January 31, 1988.

TA-W-20, 252; Prestolite Electric, Inc.,
Bay City, MI

A certification was issued covering all workers engaged in the production related to alternator components separated on or after November 6, 1986.

TA-W-20, 267; ITT Telecom Products
Corp., Milan, TN

A certification was issued covering all workers of the firm separated on or after November 18, 1987.

TA-W-20, 250; Lorraine Handbags, Inc.,
East Boston, MA

A certification was issued covering all workers of the firm separated on or after November 11, 1986 and before May 23, 1987.

I hereby certify that the aforementioned determinations were issued during the period January 4, 1988—January 8, 1988 and January 11, 1988—January 15, 1988. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213 during

normal business hours or will be mailed to persons who write to the above address.

Glenn M. Zech,
Acting Director, Office of Trade Adjustment Assistance.

Dated: January 19, 1988.

[FR Doc. 88-1802 Filed 1-27-88; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-87-274-C]

Beckley Coal Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Beckley Coal Mining Company, P.O. Box 145, Glen Daniel, West Virginia 25844 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Beckely Mine (I.D. No. 46-03092) located in Raleigh County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.
2. Petitioner states that due to roof falls, adverse roof conditions, and water accumulations certain areas of the mine cannot be traveled.
3. As an alternate method, petitioner proposes to establish checkpoints where the air flow can be evaluated. These areas will be examined on a weekly basis by certified persons and recorded in a prescribed book.
4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 29, 1988. Copies of the petition

are available for inspection at that address.

Patricia W. Silvey,
Director, Office of Standards, Regulations and Variances.

Date: January 22, 1988.

[FR Doc. 88-1795 Filed 1-27-88; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-87-292-C]

BethEnergy Mines, Inc.; Petition for Modification of Application of Mandatory Safety Standard

BethEnergy Mines, Inc., 7012 MacCorkle Avenue SE., Charleston, West Virginia 25304 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Livingston Portal Eighty-Four (I.D. No. 36-00958) located in Washington County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that trolley wires and trolley feeder wires, high-voltage cables and transformers not be located in by the last open crosscut and be kept at least 150 feet from pillar workings.
2. Petitioner intends to increase the length of its longwall face to 700 feet on the next panel. This increase will require the installation of two 400 horsepower motors. In order to supply such power to a longwall system from a power system limited to 1000 volts, the following problems arise:

(a) The ampacity requirements at 1000 volts are such that very heavy cables are required. These large, heavy cables can cause congested work space, and handling problems which may present a hazard;

(b) Poor voltage regulation resulting in motor overheating and lack of torque to be applied to the face conveyor; and

(c) At 1000 volts, the interrupting limits of the available circuit breakers is approached, resulting in a diminished safety factor.

3. As an alternate method, petitioner proposes to use high-voltage (4,160 volt) cables to supply power to permissible longwall face equipment in or in by the last open crosscut, with specific

equipment and conditions as outlined in the petition.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 29, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Dated: January 22, 1988.

[FR Doc. 88-1796 Filed 1-27-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-266-C]

Four G. Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Four G. Coal Company, Inc., Route 1, Box 211, Woodbine, Kentucky 40771 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Mine No. 3 (I.D. No. 15-15699) located in Knox County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on any electric face cutting equipment, continuous monitor, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of methane monitors on three wheel

tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize the battery tractor immediately. Production will cease and will not resume until the methane level is lower than one percent;

(d) A spare continuous monitor will be available to assure that all coal hauling tractors will be equipped with a continuous monitor;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 29, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Date: January 22, 1988.

[FR Doc. 88-1797 Filed 1-27-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-282-C]

Lakeshore Equipment Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Lakeshore Equipment Company, Inc., 416 Lakeshore Drive, Lexington, Kentucky 40502 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Poplar Creek No. 1 Mine (I.D. No. 15-13769) located in Knox County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on any electric face cutting equipment, continuous monitor, longwall face equipment and loading machine and shall be kept operative and properly maintained and frequently tested.

2. Petitioner states that no methane has been detected in the mine. The three wheel tractors are permissible DC powered machines, with no hydraulics. The bucket is a drag type, where approximately 40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use it is used as a man trip and supply vehicle.

3. As an alternate method, petitioner proposes to use hand held continuous oxygen and methane monitors in lieu of methane monitors on three wheel tractors. In further support of this request, petitioner states that:

(a) Each three wheel tractor will be equipped with a hand held continuous monitoring methane and oxygen detector and all persons will be trained in the use of the detector;

(b) A gas test will be performed, prior to allowing the coal loading tractor in the face area, to determine the methane concentration in the atmosphere. The air quality will be monitored continuously after each trip, provided the elapse time between trips does not exceed 20 minutes. This will provide continuous monitoring of the mine atmosphere for methane to assure any undetected methane buildup between trips;

(c) If one percent of methane is detected, the operator will manually deenergize the battery tractor immediately. Production will cease and will not resume until the methane level is lower than one percent;

(d) A spare continuous monitor will be available to assure that all coal hauling

tractors will be equipped with a continuous monitor;

(e) Each monitor will be removed from the mine at the end of the shift, and will be inspected and charged by a qualified person. The monitor will also be calibrated monthly; and

(f) No alterations or modifications will be made in addition to the manufacturer's specifications.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 29, 1988. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,
Director, Office of Standards, Regulations and Variances.

Date: January 22, 1988.

[FR Doc. 88-1798 Filed 1-27-88; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-273-C]

Three Power Coal, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Three Power Coal, Inc., P.O. Box 484, Shinnston, West Virginia 26431 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its No. 1 Mine (I.D. No. 46-07337) located in Harrison County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the use of a locked padlock to secure battery plugs to machine-mounted battery receptacles on permissible, mobile battery-powered machines.

2. As an alternate method, petitioner proposes to use a spring-loaded metal locking device in lieu of padlocks. The spring-loaded device will be designed, installed and used to prevent the

threaded rings that secure the battery plugs to the battery receptacles from unintentionally loosening and will be attached to prevent accidental loss. In addition, the fabricated metal brackets will be securely attached to the battery receptacles to prevent accidental loss of the brackets.

3. Petitioner states that the spring-loaded metal locking devices will be easier to maintain than padlocks because there are no keys to be lost and dirt cannot get into the workings as with a padlock.

4. Operators of permissible, mobile, battery-powered machines affected by this modification will be trained in the proper use of the locking device, the hazards of breaking battery-plug connections under load, and the hazards of breaking battery-plug connections in areas of the mine where electric equipment is required to be permissible.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 29, 1988. Copies of the petition are available for inspection at that address.

Date: January 22, 1988.

Patricia W. Silvey,
Director, Office of Standards, Regulations and Variances.

[FR Doc. 88-1799 Filed 1-27-88; 8:45 am]

BILLING CODE 4510-43-M

Advisory Committee Meeting

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: This notice provides the date, time, place, and agenda summary for the second meeting of the Mine Safety and Health Administration Advisory Committee on Standards and Regulations for Diesel-Powered Equipment in Underground Coal Mines.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances,

Mine Safety and Health Administration, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203; phone (703) 235-1910.

SUPPLEMENTARY INFORMATION: Pursuant to the authority contained in sections 101 and 102(c) of the Federal Mine Safety and Health Act of 1977 (Act), a public meeting of the Advisory Committee on Standards and Regulations for Diesel-Powered Equipment in Underground Coal Mines will be held between the hours of 8:30 a.m. and 5:00 p.m. on February 16 and 17, 1988 at 1000 N. Glebe Road, Arlington, Virginia.

This nine member advisory committee was formed to advise and make recommendations to the Secretary of Labor on safety and health standards and regulations related to the use of diesels in underground coal mines.

The agenda for the second meeting will include a review of draft equipment specification standards developed by the Mine Safety and Health Administration. The committee will also begin to discuss safety aspects surrounding the use of diesel-powered equipment in underground coal mines.

Official records of the meeting will be available for public inspection at the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Signed at Arlington, Virginia this 25 day of January, 1988.

David C. O'Neal,
Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 88-1790 Filed 1-27-88; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 88-08]

NASA Advisory Council (NAC), Aeronautical Advisory Committee (AAC), Meeting

AGENCY: National Aeronautics and Space Administration.

Federal Register Citation of Previous Announcement: 53FR968, Notice Number 88-01, January 14, 1988.

Previously Announced Times and Dates of Meeting: January 28, 1988, 8:30 a.m. to 5 p.m.

Changes in the Meeting: Date changed to February 11, 1988, 8:30 a.m. to 5 p.m.

Contact Person for More Information: Mr. Jack Levine, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2835.

Ann Bradley,
Advisory Committee Management Officer,
National Aeronautics and Space
Administration.

January 25, 1988.

[FR Doc. 88-1702 Filed 1-27-88; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Literature Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Audience Development Section) to the National Council on the Arts will be held on February 18-19, 1988 from 9:00 a.m. to 5:30 p.m. and on February 20, 1988 from 10:00 a.m. to 12:00 noon in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on February 20, 1988 from 10:00 a.m.-12:00 noon. The topics for discussion will include guidelines and policy issues.

The remaining sessions on February 18-19, 1988 from 9:00 a.m.-5:30 p.m. are for the purpose of Council review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(B) of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Yvonne M. Sabine,

*Acting Director, Council and Panel
Operations, National Endowment for the Arts.*

January 22, 1988.

[FR Doc. 88-1747 Filed 1-27-88; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Centers/Services Section) to the National Council on the Arts will be held on February 17, 1988 from 9:00 a.m. to 5:00 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on February 17, 1988 from 2:00 p.m.-3:00 p.m. The topics for discussion will include guidelines and policy issues.

The remaining sessions on February 17, 1988 from 9:00 a.m.-2:00 p.m. and 3:00 p.m.-5:00 p.m. are for the purpose of Council review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(B) of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National

Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Yvonne M. Sabine,

*Acting Director, Council and Panel
Operations, National Endowment for the Arts.*

[FR Doc. 88-1748 Filed 1-27-88; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-324]

Carolina Power and Light Co., Brunswick Steam Electric Plant, Unit 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.62(c)(4) to Carolina Power & Light Company (the licensee), for Unit 2 of the Brunswick Steam Electric Plant located in Brunswick County, North Carolina.

Environmental Assessment

Identification of Proposed Action

The exemption would grant relief from 10 CFR 50.62(c)(4) to allow the Brunswick plant to use an injection rate of 66 gallons per minute of 13 weight percent sodium pentaborate solution in the standby liquid control system (SLCS).

The licensee's exemption request and the bases therefor are contained in a letter dated August 17, 1987.

The Need for the Proposed Action

The exemption is needed because the licensee proposes to depart from 10 CFR 50.62(c)(4) requirements, as a result of the Brunswick Steam Electric Plant having a reactor vessel diameter which is smaller than that used to establish the minimum flow and boron content requirements set forth in the regulation. The Brunswick Plant uses an injection rate of 66 gallons per minute of 13 weight percent sodium pentaborate solution because its vessel diameter is 218 inches, as opposed to 251 inches which is the basis for the 86 gallons per minute requirement.

Generic Letter 85-03, "Clarification of Equivalent Control Capacity for Standby Liquid Control Systems," dated January 28, 1985 states, in part:

The "equivalent in control capacity" wording was chosen to allow flexibility in implementation of the requirement.

The 86 gallons per minute and 13 weight percent sodium pentaborate concentration were values used in NEDE-24222, "Assessment of BWR Mitigation of ATWS, Volumes I and II," December 1979 for BWR/4, BWR/5, and BWR/6 plants with 251-inch diameter vessels. NEDE-24222 recognized that different values would provide equivalent control capacity for smaller plants, and cited 66 gallons per minute in a 218-inch diameter vessel plant as equivalent to 86 gallons per minute in a 251-inch inside diameter vessel plant.

Environmental Impacts of the Proposed Action

The exemption provides a degree of protection of the Brunswick reactor equivalent to that required by the regulation for reactors with larger reactor vessels for prompt injection of negative reactivity into a boiling water reactor pressure vessel in the event of an Anticipated Transient Without Scram (ATWS). This exemption will not affect containment integrity, nor the probability of facility accidents. Thus, post-accident radiological releases will not be greater than previously determined, nor will the granting of the proposed exemption otherwise effect radiological plant effluents, or result in any significant occupational exposure. Likewise, the exemption will not affect non-radiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Because it has been concluded that there is no measurable environmental impact associated with the proposed exemption, any alternatives to the exemption will have either no environmental impacts or greater environmental impacts.

The principal alternative to granting the exemption would be to deny the requested exemption. Such action would not reduce environmental impacts of the Brunswick Steam Electric Plant, Unit 2, operations and would not enhance the protection of the environment.

Alternative Use of Resources

This does not involve the use of resources not previously considered in connection with the Final Environmental Statement for Brunswick Steam Electric Plant, Units 1 and 2, dated January 1974.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based on the foregoing environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of human environment.

For further information with respect to this action, see the application for exemption dated August 17, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

Dated at Bethesda, Maryland, this 22nd day of January 1988.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Director, Project Directorate II-1, Division of Reactor Projects I/II.

[FR Doc. 87-1777 Filed 1-27-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-254]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 103 to Facility Operating License No. DPR-29 issued to Commonwealth Edison Company, (the licensee), for operation of Quad Cities, Unit 1, located in Rock Island County, Illinois.

In general, the license amendment deletes certain license conditions and revises Technical Specifications (TS) to incorporate new Cycle 10 reload fuel operating limits, expands operating domains (including operation with equipment out of service), and changes jet pump surveillance core flow evaluation methodology. More specifically, TS for the following are revised for Cycle 10 to reflect new reload fuel operating limits and analyses: (a) Linear Heat Generation Rate (LHGR), (b) Maximum Average Planar Linear Heat Generation Rate (MAPLHGR) limit curves, (c) Rod Block

Monitor (RBM) setpoint, and (d) Minimum Critical Power Ratio (MCPR) limit and associated 20% insertion scram time value. Other TS and license conditions changes in this amendment that resulted from analyses performed by General Electric for the licensee to expand the unit operating region and allow for operation with certain equipment out-of-service include the following: (e) requirements for Single Loop Operation (SLO) deleted from existing License Condition and incorporated into TS, (f) expanded operating region analyzed for increased core flow (ICF) and feedwater temperature reduction (FTR), (g) revised Automatic Pressure Relief Subsystem TS to require action only when two or more relief valves are inoperable, and (h) deleted license condition operating restrictions for coastdown.

Concurrent with the aforementioned TS changes, several administrative and editorial revisions are made for continuity. Furthermore, applicable TS bases and references are updated to reflect new information, fuel type, analyses, computer models, operating domains, and Limiting Conditions of Operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Prior Hearing in connection with this action was published in the **Federal Register** on November 5, 1987 (52 FR 42485). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment and Finding of No Significant Impact related to this action and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action beyond that which has been predicted and described in the Commission's Final Environmental Statement for the facility dated September 1972.

For further details with respect to the action see (1) the application for amendment dated September 18, 1987, as supplemented October 13, 1987 and subsequently clarified November 25, 1987, (2) Amendment No. 103 to License No. 29, (3) the Commission's related Safety Evaluation dated December 15, 1987, and (4) Environmental Assessment and Finding of No Significant Impact. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW.; and at the Dixon Public Library, 221 Hennepin Ave., Dixon, Illinois 61021. A copy of items (2) thru (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Dated at Bethesda, Maryland this 22nd day of January 1988.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, Project Directorate III-2, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 88-1778 Filed 1-27-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-373]

**Commonwealth Edison Co.;
Consideration of Issuance of
Amendment to Facility Operating
License and Opportunity for Prior
Hearing**

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-11 issued to Commonwealth Edison Company (the licensee), for operation of LaSalle County Station, Unit 1 located in LaSalle County, Illinois.

The amendment would revise the Technical Specifications in support of the second reload for LaSalle Unit 1. Startup for Cycle 3 is currently scheduled for June 1988.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 29, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the

proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a part to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one

contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative of the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Daniel R. Muller: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register Notice. A copy of the petition should also be sent to the Office of the General Counsel—White Flint, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Joseph Gallo, Esquire, Isham, Lincoln, and Beale, 1150 Connecticut Ave. NW., Suite 1100, Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 19, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Public Library of Illinois

Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Dated at Bethesda, Maryland this 21st day of January 1988.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, Project Directorate III-2, Division of Reactor Projects—III, IV, V and Special Projects.

[FR Doc. 88-1779 Filed 1-27-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-387 and 50-388]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-14 and NPF-22, issued to Pennsylvania Power & Light Company (the licensee), for operation of the Susquehanna Steam Electric Station, Units 1 and 2 located in Luzerne County, Pennsylvania.

The amendment would revise the provisions in the Technical Specifications relating to the required tolerance for the diesel generator loading timers associated with the Residual Heat Removal (RHR) pumps, in accordance with the licensee's application for amendment dated October 15, 1987, as revised October 30, 1987.

Specifically, the licensee proposes to revise the Technical Specification 4.8.1.1.2d.12 to permit each diesel generator loading sequencer timer setpoint range to be changed from $\pm 10\%$ to $+20\%$ and -10% .

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By February 29, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of

Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to

intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Butler: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, attorney for the licensee, 2300 N Street NW., Washington, DC 20037.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearings will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 15, 1987, as revised October 30, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Bethesda, Maryland this 20th day of January, 1988.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Director, Project Directorate I-2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88-1780 Filed 1-27-88; 8:45 am]

BILLING CODE 7590-01-M

PRESIDENTIAL COMMISSION ON THE HUMAN IMMUNODEFICIENCY VIRUS EPIDEMIC

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Presidential Commission on the Human Immunodeficiency Virus Epidemic will hold a public meeting on Thursday, Friday, and Saturday, February 18, 19, and 20 in Memorial Hall at the Metropolitan Life Building, 11 Madison Avenue (entrance between 24th and 25th Streets), New York, New York 10010 from 9:00 a.m. to 5:30 p.m. each day.

The three day meeting will consist of individual and panel presentations of basic research, vaccine and drug development related to the HIV epidemic. People with AIDS, as well as research experts from the private sector, Federal Government, and medical institutions, will participate. Agenda items subject to change as priorities dictate.

Records shall be kept of all Commission proceedings and shall be available for public inspection at 655 15th Street NW., Suite 901, Washington, DC 20005.

Polly L. Gault,

Executive Director, Presidential Commission on the HIV Epidemic.

[FR Doc. 88-1773 Filed 1-27-88; 8:45 am]

BILLING CODE 4160-15-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-25287; File No. SR-Amex-87-33]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc. Relating to Rules 220-222 (Floor Wires)

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 30, 1987, the American Stock Exchange, Inc. ("Amex")

or "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items, in most part, have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex is proposing to amend its rules to allow members to establish direct telephone communications between the Floor and non-members located off the Floor, and to more fully reflect existing telephone policy.¹

The text of the proposed rule change is set forth below.

Brackets [] indicate words to be deleted; *italic* indicates words to be added.

Rule 220. Communication to Floor

[Communication between the office of a Regular member and his booth on the Floor of the Exchange shall be made only by such method or methods as shall have been approved by the Exchange.]

No member shall establish or maintain any telephonic or electronic communication between the Floor and any other location without the prior written approval of the Exchange.

Commentary

.01 *With the approval of the Exchange, a member or member organization may establish and maintain a telephone line which permits a non-member located off the Floor to communicate with such member or member organization on the Floor.*

.02 *With the approval of the Exchange, a specialist unit may maintain a telephone line at its trading post location to the off-floor offices of the specialist unit; the unit's clearing firm; the floor of another securities commodities or option exchange; or the upstairs offices of a member organization. Such a telephone connection shall not be used for the purpose of transmitting to the floor orders for the purchase or sale of securities, but may be used by the specialist to enter orders in options, futures, or underlying securities for*

execution in such other markets, or with a member firm's off-floor offices, or to obtain market information.

.03 *A member or member organization which has been granted approval of any means of communication under this rule shall be responsible for assuring compliance with all Exchange rules and requirements in connection with any business conducted by means of such electronic or telephonic communication.*

Rule 221. [Wires to Member Not Represented on Floor

(a) In addition to a wire connecting the office of a Regular member and a booth of such Regular member on the Floor of the Exchange, Regular members may have installed additional wires as follows:

(1) A wire, from the booth to which such Regular member's office wire is connected, to the office of another member not represented personally or through an authorized salaried market employee on the Floor of the Exchange; and

(2) Such other wires from additional booths rented by such member connecting such booths with offices of other members not represented personally or through an authorized salaried market employee on the Floor of the Exchange, provided, that no such additional booth shall have more than one wire to the office of another member installed therein.

(b) The provisions of this rule shall be deemed to permit] Two or more [Regular] members having separate offices and engaging in business on the Floor of the Exchange [to] may occupy a single booth on the Floor of the Exchange with only one [Regular] member paying the full booth rental fee as prescribed by the Exchange and the other occupant(s) paying the Order Pad Privilege Fee as prescribed by the Exchange. Members not occupying the booth, but having line connections therein, must pay the Floor Wire Privilege Fee as prescribed by the Exchange.

Rule 222. Revocation of Floor Wire Privilege

[The privilege of a wire connection between a telephone booth of a Regular member on the Floor of the Exchange and such member's office or the office of another member shall not be enjoyed as a right of the member but shall rest in

¹ The Commission previously published notice of a similar proposed rule change from the New York Stock Exchange, Inc. ("NYSE") (SR-NYSE-87-18). See Securities Exchange Act Release No. 24625, June 22, 1987, 52 FR 24576.

the discretion of the Exchange. The Exchange may disconnect or cause to be disconnected any apparatus or means for such communication or may deprive any member of the privilege of using any means of communication installed in the Exchange for the use of members, if such connection or means of communication has been or is being used to facilitate any violation of the Securities Exchange Act of 1934, as amended, or rules thereunder, the Exchange Constitution or its Rules, or just and equitable principles of trade. Every decision of the Exchange whereby a member is deprived of any such privilege shall be immediately posted on the bulletin board in the Exchange and every member shall be deemed to have notice thereof. No member shall, after such notice shall have been posted, directly or indirectly furnish to the member named therein any facilities for communication between the office of the member so named and the Floor.] *The Exchange may to the extent not inconsistent with the Securities Exchange Act of 1934, as amended, deny, limit or revoke approval of any telephonic or electronic communication between the Floor and any other location whenever it determines, in accordance with the procedures set forth in Rule 40, that such communication is inconsistent with the public interest, the protection of investors, or just and equitable principles of trade, or such communication has been or is being used to facilitate any violation of the Securities Exchange Act of 1934, as amended, or rules thereunder, or the Exchange Constitution or rules.*

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

The purpose of the proposed rule change is to codify all current Exchange policies relating to communications to and from the Trading Floor of the Exchange. These policies have developed in keeping with the general premise that since transacting business on the floor of an exchange is an essential privilege of exchange membership, communications to and from the Floor should be restricted.

Exchange Rule 3(b) provides that members may not effect transactions directly with non-members on the premises of the Exchange. Furthermore, the Exchange Constitution vests in the Board of Governors the authority to approve or disapprove any means of communication with the Floor. Exchange Rules 220 through 222 set forth basic terms under which telephone access is granted. The application of these rules has been modified by the Board from time to time to allow Floor brokers to have certain types of telephone connections in or adjacent to their booths for purposes other than accepting orders for execution, and to allow specialists to have direct telephone communications with other locations to obtain market information, place orders in securities underlying special options, and transmit orders in any dually-traded option directly to the other exchange involved. The proposed rule change would reflect the permissibility of these types of telephonic communications.

The proposed rule change would also reflect a recent modification to Exchange policy which allows members to establish direct telephone communications between the Floor and non-members located off the Floor. This policy modification was prompted by a SEC Opinion (Securities Exchange Act Release No. 24429, May 6, 1987, 38 SEC Doc. 432), in an appeal by a member of the New York Stock Exchange from the NYSE's denial of such telephone access, that the NYSE had no rule or policy which constituted an enforceable prohibition on such communication. Following the issuance of the Opinion, the NYSE revised its policies to allow members to communicate from the Floor with non-members located off the Floor. The Exchange's proposed rule change

would permit a member, with the approval of the Exchange, to establish telephone communications to non-members located off the Floor.*

The proposed rule change sets forth the basic prohibitions on unauthorized communications, as well as specific authorization for non-member telephone access to the Floor. The amendments would also reflect the specialist and broker connections which are permissible under current policy, as well as the fact that back office rules regarding the conduct of a customer business would be applied to members conducting such business directly from the Floor. The general restriction against members effecting transactions directly with non-members on Exchange premises would in no way be negated, and specialists would continue to be prohibited from directly accepting orders for execution via any telephone line maintained at their trading post locations.

(2) Basis

The proposed rule change is consistent with Section 6(b) of the Act in general and respectively furthers the objectives of sections 6(b)(5) and 6(b)(8) in particular in that it serves to remove impediments to and perfect the mechanism of a free and open market, and helps to ensure that the rules of the Exchange do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

* As noted, above, the NYSE also recently filed a proposal that set forth a new policy concerning telephone communications between members and non-members from the floor. Unlike the Amex proposal which does not specifically address portable telephones, the NYSE proposal specifically prohibits member communications with non-members from portable telephones when on the trading floor.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the File Number SR-Amex-87-33 and should be submitted by February 18, 1988.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 22, 1988.

Jonathan G. Katz,
Secretary.

[FR Doc. 88-1761 Filed 1-27-88; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

January 22, 1988.

The above named national securities exchange has filed applications with the

Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

BRT Realty Trust

Shares of Beneficial Interest, \$3.00 Par Value (File No. 7-2018)

Envirofact, Inc.

Common Stock, \$.01 Par Value (File No. 7-2019)

Graham Corp.

Common Stock, \$.10 Par Value (File No. 7-2020)

Johnstown Consolidated Realty Trust

Shares of Beneficial Interest, No Par Value (File No. 7-2021)

Lawson Mardon Group

Common Stock, No Par Value (File No. 7-2022)

Wickes Companies

Warrants expiring January 26, 1992 (File No. 7-2023)

Western Union Corporation

\$15.00 Class A Increasing Rate Cumulative Senior Preferred Shares (File No. 7-2024)

Western Union Corporation

\$3.00 Class B Cumulative Convertible Preferred Shares (File No. 7-2025)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 11, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-1762 Filed 1-27-88; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

January 22, 1988.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities and Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Bowne & Company

Common Stock, \$1.00 Par Value (File No. 7-2026)

First Capital Holdings Corp.

Common Stock, \$.01 Par Value (File No. 7-2027)

Norsky Hydro A.S.

Common Stock, NOK 25 Par (File No. 7-2028)

Tucson Electric Power Company

Common Stock, \$2.50 Par Value (File No. 7-2029)

Standard Pacific Corp., L.P.

Partnership Units (File No. 7-2030)

Witco Corporation

Common Stock, \$5.00 Par Value (File No. 7-2031)

Gull, Inc.

Common Stock, \$.10 Par Value (File No. 7-2032)

Motts Super Markets, Inc.

Common Stock, \$1.00 Par Value (File No. 7-2033)

Sun Distributors L.P.

Limited Partnership Interest (File No. 7-2034)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before February 11, 1988, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 88-1763 Filed 1-27-88; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8 1157]

Study Group A, U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 1, 1988 at 9:30 a.m. in Room 1408, Department of State, 2201 C Street, NW., Washington, DC.

Study Group A deals with international telecommunications policy and services.

The purpose of the meeting will be to review results of the Study Group VIII meeting held in February in Geneva, to prepare and approve U.S. Contributions and consider nomination of delegates to upcoming meetings of Study Group I and Study Group III scheduled to begin on May 10, 1988, and May 30, 1988, respectively, and to consider any other issues related to Study Group A interests.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl Barbely, State Department, Washington, DC; telephone (202) 653-6102. All attendees must use the C Street entrance to the building.

Dated: January 25, 1988.

Earl S. Barbely,
Director, Office of Technical Standards and Development; Chairman, U.S. CCITT National Committee.

[FR Doc. 88-1709 Filed 1-27-88; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/1161]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Working Group on Radiocommunications; Meetings

The Working Group on Radiocommunications of the Subcommittee on Safety of Life at Sea will conduct open meetings at 0930 on the following dates: February 18, 1988; March 17, 1988, and May 19, 1988. All meetings will be held in room 9230 of the Department of Transportation, 400 Seventh Street, SW., Washington, DC 20950-0001.

The March 17 meeting will be held only if such a meeting is determined to be necessary. Persons interested in attending this meeting may call the contact listed below to obtain further information.

The purpose of these meetings is to discuss the Global Maritime Distress and Safety System (GMDSS), and new developments resulting from the 34th Session of the International Maritime Organization Subcommittee on Radiocommunications.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald J. Grandmaison, U.S. Coast Guard Headquarters (G-TTS-3), 2100 Second Street, SW., Washington, DC 20593-0001. Telephone: (202) 267-1389.

Dated: January 14, 1988.

Peter R. Keller,
Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 88-1710 Filed 1-27-88; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/1160]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea (SOLAS); Meeting

The SOLAS Subcommittee of the Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 a.m. on March 31, 1988, in room 2415, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

The purpose of the meeting is to finalize preparations for the 55th Session of the Maritime Safety Committee (MSC) of the International Maritime Organization (IMO) which is scheduled for 11-22 April in London. In particular, the SOLAS Subcommittee will discuss the development of U.S.

positions dealing with, inter alia, the following topics:

- Authorization of surveys to classification societies.
- Investigations into serious casualties.
- Reports of the various Subcommittees.
- Preparation for 1988 Conference to modify the SOLAS and Load Line Conventions.

Interested persons may seek information by writing: Mr. G.P. Yoest, U.S. Coast Guard Headquarters (G-CPI), 2100 Second Street, SW., Washington, DC 20593, or by calling: 202-267-2280.

Dated: January 15, 1988.

Peter R. Keller,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 88-1711 Filed 1-27-88; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/1159]

Shipping Coordinating Committee; Meeting

The Shipping Coordinating Committee is holding a series of meetings to consider U.S. policy with respect to an upcoming review and possible revision of international law concerning liability and compensation for damage caused by the maritime carriage of Hazardous and Noxious Substances (HNS). This subject will be considered by the Legal Committee of the International Maritime Organization (IMO) at its 59th Session in April 1988. The second Shipping Coordinating Committee meeting in preparation for the 59th Session will be held at 1230 on Wednesday 17 February 1988, in Room 2415 of U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC and continuing at 0900 on Thursday, 18 February 1988 in room 6332 of the Department of Transportation Building, 400 Seventh Street SW, Washington, DC.

The first Shipping Coordinating Committee meeting was held on 12 January 1988 at which the following preliminary questions were discussed:

1. Assuming that an international HNS regime for liability/compensation is developed, what general scheme would best serve U.S. interests (e.g., shipowner-only, shared shipowner-cargo, or other)?
2. How should liability/compensation be structured?
3. Should packaged HNS be covered?

4. What principles should guide the formulation of the list of covered HNS, and how should this list be developed?

5. What types of HNS incidents/hazards (e.g., fire and explosion, toxicity, pollution, and unladen tankers), and what types of potential HNS damage should be covered (e.g., personal injury, property damage, economic losses, environmental cleanup costs, etc.)?

6. Approximately what specific monetary limits of liability/compensation should be considered?

7. What are the insurance implications of the development of an HNS liability/compensation scheme?

8. In view of the benefits which may be obtained for U.S. interests from an international HNS regime, on what basis may agreement be reached among U.S. public and private sector interests on the subject of federal and state remedy preemption, a foreseeable element of such a regime?

9. What U.S. interests here and abroad will be impacted by the implementation of an HNS liability/compensation scheme?

10. What information is available concerning the number and severity (actual or potential) of marine or other HNS mishaps or near mishaps over the past several decades?

As a result of the meeting it was agreed that further detailed discussion of these questions should continue. In particular issues associated with questions 1, 5, and 8 are areas requiring more special attention. Additional meetings are contemplated. Members of the public are invited to attend the meeting, up to the seating capacity of the room.

For further information pertaining to the special HNS meeting, or the issues to be discussed at the 16 and 17 February public meeting, please contact Captain Frederick F. Burgess, Jr., or Lieutenant Commander Frederick M. Rosa, Jr., Maritime and International Law Division, U.S. Coast Guard (G-LMI), Washington DC, 20593, telephone (202) 267-1527.

Dated: January 15, 1988.

Peter R. Keller,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 88-1712 Filed 1-27-88; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/1158]

Shipping Coordinating Committee; Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting on February 11, 1988, at 1:30 PM in Room 6103 at Coast Guard Headquarters, 2100 Second Street SW., Washington, DC.

The purpose of the meeting will be to prepare for the International Conference on the Suppression of Unlawful Acts Against the Safety of Maritime Navigation to be held March 1-10, 1988, in Rome, Italy. The Conference culminates preparatory work under the auspices of the International Maritime Organization (IMO). The Conference will consider adoption of a draft Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and a draft Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf. These instruments primarily concern creation of criminal offenses, establishment of jurisdiction, and imposition of the obligation of a Party to extradite or prosecute the alleged offender. The following will be discussed at the meeting:

1. Background regarding the draft Convention and Protocol.

2. The major provisions of the draft Convention and Protocol.

3. Proposed positions for the International Conference.

Members of the public may attend the meeting up to the seating capacity of the room.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Horowitz, U.S. Coast Guard Headquarters (G-LMI), 2100 Second Street SW., Washington, DC 20593-0001. Telephone: (202) 267-1527.

Dated: January 14, 1988.

Peter R. Keller,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 88-1713 Filed 1-27-88; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 87-083]

Towing Assistance Policy

AGENCY: Coast Guard, DOT.

ACTION: Notice and request for public comment, and notice of public meetings.

SUMMARY: This Notice requests comments and advises of public meetings to be held concerning the Coast Guard's policy regarding towing of vessels in need of assistance but not in immediate danger or distress. The Coast Guard is currently studying the effectiveness of this policy and the long-term effect it may have on the safety of the boating public.

DATES: Written comments should be submitted on or before March 31, 1988. Public meetings will be held in various locales:

First Coast Guard District: Western end Long Island, New York, March 12, 1988; Providence, Rhode Island, March 13, 1988; Boston, Massachusetts, March 14, 1988; Northern Jersey Shore, March 15, 1988. For specific time and place, contact the First District Public Affairs Officer at (617) 223-8515, or check the Local Notice to Mariners.

Fifth Coast Guard District: Philadelphia, Pennsylvania, February 23, 1988; Norfolk, Virginia, March 8, 1988; and Annapolis, Maryland, March 10, 1988. For specific time and place, contact the Fifth Coast Guard District Public Affairs Officer at (804) 398-6275, or check the Local Notice to Mariners.

Seventh Coast Guard District: Miami/Ft. Lauderdale, Florida, February 25, 1988; and St. Petersburg, Florida, February 26, 1988. For specific time and place, contact the Seventh District Public Affairs Officer at (305) 536-5641, or check the Local Notice to Mariners.

Ninth Coast Guard District: Detroit, Michigan, March 3, 1988. For specific time and place, contact the Ninth District Public Affairs Officer at (216) 522-3951, or check the Local Notice to Mariners.

Eleventh Coast Guard District: Long Beach, California, February 16, 1988; and San Diego, California, February 17, 1988; San Francisco, California, February 18, 1988. For specific time and place, contact the Eleventh District Public Affairs Officer at (213) 499-5230, or check the Local Notice to Mariners.

Thirteenth Coast Guard District: Greater Seattle Metropolitan Area, March 1, 1988. For specific time and place, contact the Thirteenth District Public Affairs Officer at (206) 442-5896, or check the Local Notice to Mariners.

Groups interested in hosting additional public meetings should request one by contacting the individual names in the **"FOR FURTHER INFORMATION CONTACT"** section of this notice and give a proposed location, date, and anticipated number of attendees.

ADDRESSES: Written comments should be mailed to the Marine Safety Council (G-CMC), Room 2110, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593-0001. Comments should identify this notice (CGD 87-083) and the sector of the maritime community that the person making the comments represents (see "Comments and Views Desired"). Between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday, except holidays, written comments may be hand-delivered to, and are available for inspection at this address.

FOR FURTHER INFORMATION CONTACT: Captain K. C. Hollemon, Assistant Chief, Search and Rescue Division, Office of Operations (tel: 202-267-1948). Normal work hours are between 8:00 a.m. and 5:00 p.m. EST Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION:

a. The Current Coast Guard Policy

The Coast Guard's policy regarding towing of vessels in need of assistance, but not in immediate danger or distress, is to avoid inappropriate competition between the Coast Guard and private towing and salvage concerns. Under that policy, the Coast Guard now refers calls for assistance in non-emergency situations to qualified commercial towing operators whenever such operators are ready and willing to respond. The policy essentially precludes not only the Regular Coast Guard and Coast Guard Reserve units, but also Coast Guard Auxiliary volunteers when they are operating under official Coast Guard orders, from responding to non-emergency assistance cases when a qualified commercial towing operator is available. The Coast Guard is reviewing the effectiveness of this policy and the effect it may have on the boating public and on boating safety.

b. The Coast Guard

One of the primary missions of the United States Coast Guard is search and rescue. This mission is explained in 14 U.S.C. 88, which states, in part, "In order

to render aid to distressed persons, vessels, and aircraft . . . the Coast Guard may: (1) perform any and all acts necessary to rescue and aid persons and protect and save property . . ." Search and rescue is a fundamental responsibility of the Coast Guard and, in emergency situations, the Coast Guard takes action to search for and rescue individuals who are in distress or in immediate danger of being in distress on the high seas or navigable waters of the United States at any time and at any place at which Coast Guard facilities and personnel are available and can be effectively utilized. However, in non-emergency situations the Coast Guard most often refers the case to either private interests or, under certain conditions, to the Coast Guard Auxiliary.

c. The Coast Guard Auxiliary

The Coast Guard Auxiliary was created as a volunteer, non-military organization under the direction and administration of the Coast Guard. The functions of the Coast Guard Auxiliary are set out in 14 U.S.C. 821-832. Among them are, "Promoting safety and effecting rescues on and over the high seas and U.S. navigable waters." Auxiliarists undergo training and qualification to prepare them to perform these rescues. They perform under the authority of official Coast Guard orders. When under orders, Auxiliarists may be reimbursed for certain limited out-of-pocket expenses, primarily for fuel, and are provided limited liability, and damage and disability and indemnity coverage. The Commandant has broad authority to administer Coast Guard Auxiliary. Although Auxiliary volunteers are not government employees, the Commandant has established by policy that Auxiliarists under orders are governed by the same conditions on towing assistance observed by the Coast Guard.

d. The Towing Industry

The Coast Guard does not have complete information concerning commercial entrepreneurs who have offered their services to the recreational boating public. Some are firms which have licensed equipment and personnel qualified to provide commercial salvage and towing to larger vessels and which have extended this service to smaller recreational boats. New firms have also come into existence at various places

around the seaboard specifically to provide this service to the recreational boater. The Coast Guard's experience to date is that these firms, when available, generally provide competent service, but industry standards of performance do not exist presently.

e. Public Concerns Already Expressed

Responses to a recent request for comments issued by the Coast Guard in the **Federal Register** of May 7, 1987 (CGD 87-029), suggested that excluding the Auxiliary from assisting boaters whenever there is the potential for referring the case to a commercial provider has been demoralizing to this volunteer organization and, as a result, could impact its capability to perform its safety patrol, public education, and courtesy marine examination activities. The concerns which were raised are generally as follows:

1. Some boaters felt that the present policy does not adequately respond to the concerns for safety in the minds of the boating public. Although the Coast Guard evaluates each situation to ascertain whether an emergency exists, the response may not alleviate the concerns in the mind of the boater for the safety of the boat and persons on board.

2. Some of those commenting felt that the present towing policy is too restrictive of the activities of the Auxiliary. Despite the fact that they may be reimbursed to a limited extent for their fuel expenses, the Auxiliary is an organization of volunteers who offer their services in the public interest. Members of both the boating public and the Auxiliary were concerned that the capability of the Auxiliary to respond to boating emergencies may be eroded by the current Coast Guard towing policy. Members of the Auxiliary were concerned that they may be unable to attract and retain Auxiliary members because the opportunity to help other boaters is a strong incentive.

3. Opinions were expressed that requiring the boater to submit to the services of commercial providers is unfair in view of the fact that the boaters pay a special motorboat fuel tax. In addition, the fact that the Coast Guard has given commercial towing concerns preference in responding to assist cases deprives the boater of the possibility of being assisted by a trained volunteer who does not charge for

services. Some felt that the fees charged by commercial towers were unreasonably high because of the lack of competition in the market place.

4. Concern was expressed that proposed regulations to require Assistance Towing Licenses (CGD 87-017) were not adequate to ensure that the crew and/or vessels of the commercial providers are capable of rendering effective and efficient service. The comment period in (CGD 87-017) closed on October 19, 1987, and the comments are currently being reviewed.

5. Some felt that using the Coast Guard communications systems to provide business to commercial towing concerns was improper.

6. Commercial providers have stated that the fact that they charge a fee is a deterrent to the careless or reckless boaters who will take greater care in preparing for their boating trip in the face of the prospect of having to pay for assistance if they break down, run aground, or run out of gas.

Comments and Views Desired

The Coast Guard encourages interested parties from all sectors of the maritime community, including the commercial towers, the Auxiliary, and the general boating public, to respond to this request for comments. In particular, the Coast Guard is interested in:

1. Determining what effect this policy is having on boating safety in general.
2. Deciding, when the Coast Guard determines that it can not or should not respond with a Coast Guard unit to a boater who requests assistance but who is not in distress, should preference be given to either the Auxiliary or to a commercial towing provider, or should some method be devised to allocate the opportunity to assist between them.
3. Determining what factors are impacting on the Auxiliary's capability to perform its activities, such as emergency search and rescue, boat safety examinations, and public education.
4. Determining what quality of service, in terms of responsiveness and competence, is being provided to the boating public by the Auxiliary and the commercial provider.
5. Quantifying to the extent possible what consequences, economic or otherwise, a change in the towing policy could have on commercial towers and the boating public.

All comments should be sent to the address listed in the "ADDRESSES" section of this notice. Comments received on or before the close of the comment period will be fully considered in making any policy determination.

Dated: January 22, 1988.

C.E. Robbins,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.
[FR Doc. 88-1804 Filed 1-27-88; 8:45 am]
BILLING CODE 4910-14-M

Federal Aviation Administration

National Airspace Review Enhancement Program, Executive Committee; Meeting

AGENCY: Federal Aviation
Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Executive Committee of the National Airspace Review Enhancement Advisory Committee. The agenda of this meeting is as follows:

Opening remarks
Expansion of Executive Committee
Creation of New Subcommittees
Status Report from Existing
Subcommittees
Future Plans
Summary

DATE: February 11, 1988, to convene at 2 p.m. and adjourn at 5 p.m.

ADDRESS: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue SW., Room 1010, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Department of Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Room 1020, Washington, DC 20591, (202) 267-3277. Attendance is open to the interested public, but limited to the space available. To ensure consideration, persons desiring to make statements at the meeting should submit them in writing to Mrs. Wanda Munoz at the above address by February 1, 1988. Time permitting and subject to the approval of the Chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, DC on January 19, 1988.

Michael P. Goldfarb,
Chief of Staff.
[FR Doc. 88-1685 Filed 1-27-88; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular—Public Debt Series—
No. 1-88]

Treasury Notes of January 31, 1990, Series W-1990

Washington, January 21, 1988.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$8,750,000,000 of United States securities, designated Treasury Notes of January 31, 1990, Series W-1990 (CUSIP No. 912827 VU 3), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated February 1, 1988, and will accrue interest from that date, payable on a semiannual basis on July 31, 1988, and each subsequent 6 months on January 31 and July 31 through the date that the principal becomes payable. They will mature January 31, 1990, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter

imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. The Notes will be issued only in book-entry form in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000, and in multiples of those amounts. They will not be issued in registered definitive or in bearer form.

2.5. The Department of the Treasury's general regulations governing United States securities, i.e., Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), as to the extent applicable to marketable securities issued in book-entry form, and the regulations governing book-entry Treasury Bonds, Notes, and Bills, as adopted and published as a final rule to govern securities held in the TREASURY DIRECT Book-Entry Securities System in 51 FR 18260, *et seq.* (May 16, 1986), apply to the Notes offered in this circular.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Standard time, Wednesday, January 27, 1988. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, January 26, 1988, and received no later than Monday, February 1, 1988.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is \$5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than \$1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue

prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a $\frac{1}{8}$ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to

pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Monday, February 1, 1988. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no

later than Thursday, January 28, 1988. In addition, Treasury Tax and Loan Note Option Depositories may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Monday, February 1, 1988. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted and to be held in TREASURY DIRECT are not required to be assigned if the inscription on the registered definitive security is identical to the registration of the note being purchased. In any such case, the tender form used to place the Notes allotted in TREASURY DIRECT must be completed to show all the information required thereon, or the TREASURY DIRECT account number previously obtained.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, and to issue, maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is

pledged to pay, in legal tender, principal and interest on the Notes.

Marcus W. Page,
Deputy Fiscal Assistant Secretary.

[FR Doc. 88-1807 Filed 1-26-88; 9:48 am]

BILLING CODE 4810-40-M

Treasury Department Announces U.S. and Spain To Negotiate an Income Tax Treaty

The Treasury Department today announced that negotiations of a proposed income tax treaty between the United States and Spain are scheduled to take place in Madrid during the week of February 29-March 4, 1988.

There is not now an income tax treaty in effect between the United States and Spain. The negotiations will be based on the model draft texts published by the United States and the Organization for Economic Cooperation and Development. They will also take into account the U.S. Tax Reform Act of 1986 and recent treaties concluded by each country. The issues to be discussed include the taxation of income from business, investment, and employment derived in one country by residents of the other, provisions to ensure nondiscrimination and the avoidance of double taxation, and provisions for administrative cooperation between the tax authorities of the two countries.

Interested persons are invited to send written comments concerning the forthcoming negotiations to Leonard Terr, International Tax Counsel, U.S. Treasury, Room 3064, Washington, DC 20220.

O. Donaldson Chapoton,
Assistant Secretary (Tax Policy).
[FR Doc. 88-1721 Filed 1-27-88; 8:45 am]
BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

English Teaching Advisory Panel; Meeting

The English Teaching Advisory Panel will conduct a meeting on February 4 and 5, 1988 in Room 840, 301 4th Street, SW, Washington, DC. Below is the intended Agenda.

Thursday, February 4, 1988: Open to the Public

9:00 Welcome by Dr. Mark Blitz, Associate Director, Bureau of Educational and Cultural Affairs

9:10 Introduction of Panel Members and USIA officers—Dr. Harold B. Allen, Chairman, English Teaching Advisory Panel

9:30 Remarks by Mr. Robert R. Gosende, Deputy Director, Bureau of Educational and Cultural Affairs.

10:00 Remarks by Dr. Guy Story Brown, Director, Office of Cultural Centers and Resources

10:15 Remarks by Mr. Sidney L. Hamolsky, Chief, English Language Programs Division

10:30 Coffee Break

10:45 Discussions chaired by Dr. Harold B. Allen

A. 1987 Advisory Panel Report: Action taken

B. Personnel, overseas and Washington 1. R/ETO's

a. Criteria for selection

b. In-service training

c. Availability

d. Training Required

e. "State of the art" papers from EFL professionals: for enhancement purposes

2. Support staff in Washington

c. E/CE Budget: '87; '88

d. Recycling

12:00 Lunch

1:30 Discussion—ELTB—Macmillan representatives

2:30 USIA Materials (Print, Audio, Audio-visual)

A. Current and projected production

B. Involvement of the private sector

C. Use/demand at posts

D. Worldnet/Electronic Dialogue

3:00 Coffee break

3:15 English Teaching Forum

A. Content

B. Proposed solicitation of feature articles

C. Distribution: Free/subscription

3:45

1. Use of libraries: Relationship to EFL activity

2. USIA/AID/Peace Corps: Relationships/problems

3. Other needs and projects

4:45 Panel members: An informal update on relevant EFL developments in theory and practice.

Friday, February 5, 1988

9:00 General discussion: Report to the Agency

12:00 Meeting with Director Charles Z. Wick

12:30 Lunch

1:30 General discussion and adjournment

Members of the public interested in attending the February 4-5 meeting should contact Sidney Hamolsky (202)

485-2869 to make prior arrangements, as access to the building is controlled.

Dated: January 21, 1988.

Mark Blitz,

Associate Director.

[FR Doc. 88-1676 Filed 1-27-88; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Advisory Committee on Women Veterans; Meeting

The Veterans Administration gives notice under Pub. L. 92-463 that a meeting of the Advisory Committee on Women Veterans will be held in Washington, DC, March 23 through

March 25, 1988, in the Administrator's Conference Room, Room 1010, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC. The purpose of the Advisory Committee on Women Veterans is to advise the Administrator regarding the needs of women veterans with respect to health care, rehabilitation, compensation, outreach and other programs administered by the Veterans Administration; and the activities of the Veterans Administration designed to meet such needs. The Committee will make recommendations to the Administrator regarding such activities.

The session will convene on March 23, 1988, at 8:30 a.m. and adjourn at 5 p.m.

The sessions on March 24 and 25 will begin at 8:30 a.m. and adjourn at 4:30 p.m. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Barbara Brandau, Program Assistant, AIDS Working Group, Veterans Administration Central Office (phone 202/233-2621) prior to March 16, 1988.

Dated: January 20, 1988.

By direction of the Administrator:

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 88-1788 Filed 1-27-88; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 53, No. 18

Thursday, January 28, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ELECTION COMMISSION

"Federal Register" No.: 86-1269.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, January 28, 1988, 10:00 a.m.

THE FOLLOWING ITEMS HAVE BEEN ADDED TO THE AGENDA:

Draft Revisions to the Affiliation and Earmarking Regulations (11 CFR 110.3-110.6).
Application of 26 U.S.C. 9033(c) and 11 CFR 9033.5(b) and 9033.8(b) in the 1988 Presidential Nominating Process.

DATE AND TIME: Tuesday, February 2, 1988, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, February 4, 1988, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor)

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for Future Meetings.
Correction and Approval of Minutes.
Eligibility Report for Candidates to Receive Presidential Primary Matching Funds.
Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Information Officer,
Telephone: 202-376-3155.

Marjorie W. Emmons,
Secretary of the Commission.

[FR Doc. 88-1817 Filed 1-26-88; 10:31 am]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, February 3, 1988.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne,
Assistant to the Board; (202) 452-3204.
You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

James McAfee,

Associate Secretary of the Board.

Dated: January 26, 1988.

[FR Doc. 88-1886 Filed 1-26-88; 3:35 pm]

BILLING CODE 6210-01-M

Department of Justice

Thursday
January 28, 1988

Part II

**Department of
Justice**

**Office of Juvenile Justice and
Delinquency Prevention**

28 CFR Part 31

**Proposed OJJDP Policy Guidance for
Nonsecure Custody of Juveniles in Adult
Jails and Lockups; Request for Public
Comment; Notice**

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and
Delinquency Prevention

28 CFR Part 31

**Proposed OJJDP Policy Guidance for
Nonsecure Custody of Juveniles in
Adult Jails and Lockups; Request for
Comments**

AGENCY: Office of Justice Programs,
Office of Juvenile Justice and
Delinquency Prevention, Justice.

ACTION: Request for public comment.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP), pursuant to section 262(d) (42 U.S.C. 5672(d) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601, *et. seq.* (JJDP Act), proposes to issue a policy to provide guidance to states participating in the JJDP Act Formula Grants Programs for determining when a juvenile held in nonsecure custody within a building that houses an adult jail or lockup facility is considered to be "detained or confined in any jail or lockup for adults" for purposes of state monitoring for compliance with section 223(a)(14) (42 U.S.C 5633(a)(14)) of the JJDP Act.

DATE: Interested persons are invited to submit written comments on or before March 1, 1988.

ADDRESS: Address all comments to Mr. Verne L. Speirs, Administrator, Office of Juvenile Justice and Delinquency Prevention (OJJDP), 633 Indiana Avenue NW., Room 1142, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Emily C. Martin, Acting Director, State Relations and Assistance Division, Office of Juvenile Justice and Delinquency Prevention (OJJDP), 633 Indiana Avenue NW., Room 768, Washington, DC 20531; telephone (202) 724-5921.

SUPPLEMENTARY INFORMATION:**I. Introduction and Background**

In an effort to comply with the provisions of the JJDP Act, particularly the jail removal mandate, section 223(a)(14), staff of state administering agencies and facility administrators are often called upon to identify alternatives to holding juveniles in jail cells or lockups while law enforcement officers carry out their responsibilities of identification, investigation, processing, release to parent(s) or guardian, hold for transfer to an appropriate juvenile detention or shelter facility, or transfer to court. OJJDP recognizes that during this interim period, a balance must be

struck between the statutory objective of not holding juveniles in jail cells or lockups beyond the six hour temporary holding period permitted for accused criminal-type offenders (limited to circumstances where they will not be in sight or sound contact with adult prisoners), and not allowing juveniles in temporary law enforcement custody to disrupt police operations or to leave a police, sheriff or municipal facility without authorization.

Section 31.304(m) of the OJJDP Formula Grant Regulation published in the June 20, 1985, *Federal Register* on pages 25550-25561 (28 CFR Part 31), defines an *adult jail* as:

A locked facility, administered by state, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trial. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year.

Section 31.304(n) of the Formula Grant Regulation defines an *adult lockup* as:

Similar to an adult jail except that an adult lockup is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

While these definitions provide general parameters, the efforts of state agency staff to monitor compliance with the JJDP Act jail removal requirement and to identify alternatives, indicate a need for specific guidelines to identify when a juvenile is being improperly detained or confined in an adult jail or lockup as opposed to being in nonsecure custody in a building that houses an adult jail or lockup facility, but not being detained or confined within a room or set of rooms that constitute a jail cell or lockup facility.

In making this determination, it is critical to first distinguish between nonsecure custody and secure detention. A juvenile may be in law enforcement custody and, therefore, not free to leave or depart from the presence of a law enforcement officer or at liberty to leave the premises of a law enforcement facility, but not be in a secure detention or confinement status.

II. Secure Detention

A secure detention or confinement status has occurred within a jail or lockup facility when a juvenile is physically detained or confined in a locked room, set of rooms, or a cell that is designated, set aside or used for the specific purpose of securely detaining

persons who are in law enforcement custody. Secure detention or confinement may result either from being locked in a room or enclosure and/or from being physically secured to a cuffing rail or other stationary object.

III. Nonsecure Custody

When a juvenile is being held in a custody status in a building housing an adult jail or lockup, it is necessary to determine whether the area of the building where the juvenile is being held constitutes an adult jail or lockup. The criteria that follow are offered to assist state agency staff and facility administrators in identifying alternatives to the use of adult jails and lockups to detain or confine juveniles who are in temporary law enforcement custody.

The following criteria assume that immediate transfer of a juvenile to a juvenile detention center or appropriate nonsecure facility is not possible, and that no area is available within the building or on the grounds that qualifies as a separate juvenile detention facility under the requirements set forth in the Formula Grant Regulation at 28 CFR 31.303(e)(3)(i). The criteria are designed to provide guidance in identifying practices that do not constitute violations of the statutory jail removal requirement. They are not offered as standards for practice, nor do they supersede any state laws, policies, or guidelines.

IV. Criteria—Law Enforcement Facilities

The following criteria, if satisfied, would constitute nonsecure custody of a juvenile in a building that houses an adult jail or lockup facility:

(a) The area where the juvenile is held is an unlocked multi-purpose area, such as a lobby, office, or interrogation room which is not designed, set aside or used as a secure detention area or is not a part of such an area (for example, a contiguous or secure booking area or sallyport); (b) the juvenile is not physically secured to a cuffing rail or other stationary object during the period of custody in the area; (c) the use of the area is limited to providing nonsecure custody only long enough and for the purpose of identification, investigation, release to parents, or arranging transfer to an appropriate juvenile facility or to court; (d) in no event can the area be designed or intended to be used for

residential purposes, and (e) the juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he or she is in nonsecure custody.

V. Criteria—Court Holding Facilities

A court holding facility is a secure facility, other than an adult jail or lockup, that is used to temporarily detain persons immediately before or after a detention, preliminary bail hearing, or another court proceeding. Court holding facilities, where they do not detain individuals overnight and are not used for punitive purposes or other purposes unrelated to a court

appearance, are not considered adult jails or lockups for purposes of section 223(a)(14) of the JJDP Act. However, such facilities remain subject to the section 223(a)(13) (42 U.S.C. 5633(a)(13)) separation requirement of the Act.

Executive Order 12291

This notice does not constitute a "major" rule as defined by Executive Order 12291 because it does not result in: (a) An effect on the economy of \$100 million or more, (b) a major increase in any costs or prices, or (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

Regulatory Flexibility Act

This proposed rule, if promulgated, will not have a "significant" economic impact on a substantial number of small "entities", as defined by the Regulatory Flexibility Act (Pub. L. 96-354).

Paperwork Reduction Act

No collection of information requirements are contained in or effected by this guideline (See the Paperwork Reduction Act 44 U.S.C. 3504(h)).

Verne L. Speirs,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 88-1654 Filed 1-27-88; 8:45 am]

BILLING CODE 4410-18-M

Federal Register

**Thursday
January 28, 1988**

Part III

Department of Education

**Federal Student Assistance Report;
Solicitation of Comments; Notice**

DEPARTMENT OF EDUCATION**Solicitation of Comments on Development of Federal Student Assistance Report****AGENCY:** Education.**ACTION:** Notice of solicitation of comments on Development of Federal Student Assistance Report.

SUMMARY: The Secretary provides notice that the Department of Education is soliciting comments concerning the implementation of section 483(f) of the Higher Education Act of 1965, as amended (HEA). Section 483(f) provides that the Secretary will develop a United States Department of Education Federal Student Assistance Report on which institutions would provide to a student at a minimum on an annual basis, a record of financial assistance received by the student under the student financial assistance programs authorized by Title IV of the HEA (Title IV, HEA programs).

DATE: Comments must be received on or before March 28, 1988.

ADDRESS: All comments concerning this notice should be addressed to Mr. Fred Sellers, Chief, Policy Section, Pell Grant Branch, Division of Policy and Program Development, U.S. Department of Education, 400 Maryland Avenue SW. (Room 4318, ROB-3), Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Ms. Sibyl Bowie, Program Specialist, Pell Grant Branch, Division of Policy and Program Development, U.S. Department of Education, 400 Maryland Avenue SW. (Room 4318, ROB-3), Washington, DC 20202. Telephone (202) 732-4888.

SUPPLEMENTARY INFORMATION: Section 483(f) of the HEA, 20 U.S.C. 1090(f), requires the Secretary to develop a "United States Department of Education Federal Student Assistance Report." The law requires that a single form be developed on which can be recorded the amount of assistance received by a student under the Title IV, HEA Programs. These programs include the Pell Grant, Supplemental Educational Opportunity Grant, State Student Incentive Grant, Byrd Scholarship, Guaranteed Student Loan, PLUS,

Supplemental Loans for Students, Consolidation Loan, College Work-Study, Income Contingent Loan, and Perkins Loan programs. The Great Seal of the United States is to be prominently displayed on the form. The form is to be the same color as or a color similar to that of checks issued by the Treasury Department and is to be provided free to institutions in sufficient quantity and in a timely manner. The law further requires that at least once each year each institution shall provide each student a completed copy for each receipt of assistance at the time awards are made.

The Secretary is requesting public comment concerning the implementation of the United States Department of Education Federal Student Assistance Report. The Secretary is especially interested in comments concerning the following:

1. The design of the form and the paper on which it is printed.
2. The methods by which the form can best be used in conjunction with automated data processing equipment, as well as with manual operations for completing and using the form.
3. The burden hour impact of this form on institutions and methods of keeping these burden hours to a minimum.

The Secretary recognizes that the use of the United States Department of Education Federal Student Assistance Report will result in an additional administrative burden on financial aid administrators. He is interested in comments on the following:

1. The estimated number of burden hours that would be required at an institution to complete the form for each student.
2. The estimated number of burden hours that would be required at an institution to modify existing computer software.
3. The use of the form as it relates to current institutional practice, e.g., whether the form would (a) replace the institution's current award letter or (b) be an additional document the institution would provide the student, and how frequently the institution would have to complete the forms each year.
4. The estimated number of burden hours required to document the fact that

all Federal aid recipients at the institution have been sent the United States Department of Education Federal Student Assistance Report.

5. The estimated cost of providing the United States Department of Education Federal Student Assistance Report to the student (e.g., the cost of staff time required to complete the letter with specific information about an individual student's aid award, the cost of software modifications mentioned in item 2 of this listing, equipment costs, and the costs of envelopes, postage, and other materials).

6. An implementation schedule for the use of the form which considers institutional calendars, award cycles, etc.

The Secretary realizes that institutions prepare financial aid informational materials for students well in advance of the award year the materials are intended to cover. Thus, the Secretary is soliciting comment on the timing of the implementation of the United States Department of Education Federal Student Assistance Report, specifically concerning its use beginning with awards for the 1988-89 award year.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the United States Department of Education Federal Student Assistance Report.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 4318, ROB-3, 7th and D Streets, SW., Washington, DC 20202, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(Catalog of Federal Domestic Assistance Numbers: 84.007 Supplemental Educational Opportunity Grant Program; 84.032 Guaranteed Student Loan Program; 84.032 PLUS Program; 84.033 College Work-Study Program; 84.038 Perkins Loan Program; 84.063 Pell Grant Program; 84.069 State Student Incentive Grant Program)

Dated: January 25, 1988.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 88-1771 Filed 1-27-88; 8:45 am]

BILLING CODE 4000-01-M

Federal Register

**Thursday
January 28, 1988**

Part IV

Department of Defense

**General Services
Administration**

**National Aeronautics and
Space Administration**

48 CFR Parts 32 and 33

**Federal Acquisition Regulation (FAR);
Demands for Payment; Proposed Rule**

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 32 and 33****Federal Acquisition Regulation (FAR);
Demands for Payment**

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to Federal Acquisition Regulation (FAR) §§ 32.608, 32.610, and 33.211 to clarify the policy of the Government concerning demands for payment of contract debts owed the Government.

DATES: Comments should be submitted to the FAR Secretariat at the address shown below on or before March 28, 1988 to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405. Please cite FAR Case 87-54 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, telephone (202) 523-4755.

SUPPLEMENTARY INFORMATION:**A. Background**

Generally, interest does not begin to accrue on a debt resulting from a final decision until a demand for payment is

made. Currently there is no explicit requirement that a demand for payment be made concurrently with issuance of the final decision. This change is intended to clarify the policy of the Government concerning demands for payment so that interest will be charged on contractual debts due to the Government at the earliest practicable time.

B. Regulatory Flexibility Act

The proposed changes to the FAR are not expected to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because they merely clarify existing policy dealing with the timing of demands for payment of debts which are owed to the Government.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96-511) does not apply because the proposed rule does not impose any additional recordkeeping or information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

**List of Subjects in 48 CFR Parts 32
and 33**

Government procurement.

Dated: January 21, 1988.

Harry S. Rosinski,
Acting Director, Office of Federal Acquisition
and Regulatory Policy.

Therefore, it is proposed that 48 CFR Parts 32 and 33 be amended as set forth below:

1. The authority citation for Parts 32 and 33 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

PART 32—CONTRACT FINANCING

2. Section 32.608 is amended by revising paragraph (c) to read as follows:

32.608 Negotiation of contract debts.

* * * * *

(c) For unilateral debt determinations, the contracting officer shall issue a decision as required by the clause at 52.233-1, Disputes. Such decision shall include a demand for payment (see 33.211(a)(4)(vi)). No demand for payment under 32.610 shall be issued prior to a contracting officer's final decision. A copy of the final decision shall be sent to the appropriate finance office.

32.610 [Amended]

3. Section 32.610 is amended by removing the first sentence in paragraph (c).

**PART 33—PROTESTS, DISPUTES, AND
APPEALS**

4. Section 33.211 is amended by removing in paragraph (a)(4)(iv) the word "and" at the end of the sentence; by removing in paragraph (a)(4)(v) the period at the end of the sentence and inserting in its place a semicolon and the word "and"; and by adding paragraph (a)(4)(vi) to read as follows:

33.211 Contracting officer's decision.

(a) * * *

(4) * * *

(vi) Demand for payment prepared in accordance with 32.610(b) in all cases where the decision results in a finding that the contractor is indebted to the Government.

* * * * *

[FR Doc. 88-1719 Filed 1-27-88; 8:45 am]

BILLING CODE 6820-61-M

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